

PLANNING COMMITTEE AGENDA - 20th May 2020

Applications of a non-delegated nature

<u>Item No.</u>	Description
01.	19/02022/FULL - Erection of dwelling, formation of new vehicular access and public footpath at Land at NGR 275194 104806 (Woolsgrove Court), Morchard Road, Devon. RECOMMENDATION Refuse permission.
02.	19/01309/FULL - Erection of a dwelling including demolition of a garage at Fair Havens, Mill Street, Crediton. RECOMMENDATION Grant permission subject to conditions.

Application No. 19/02022/FULL

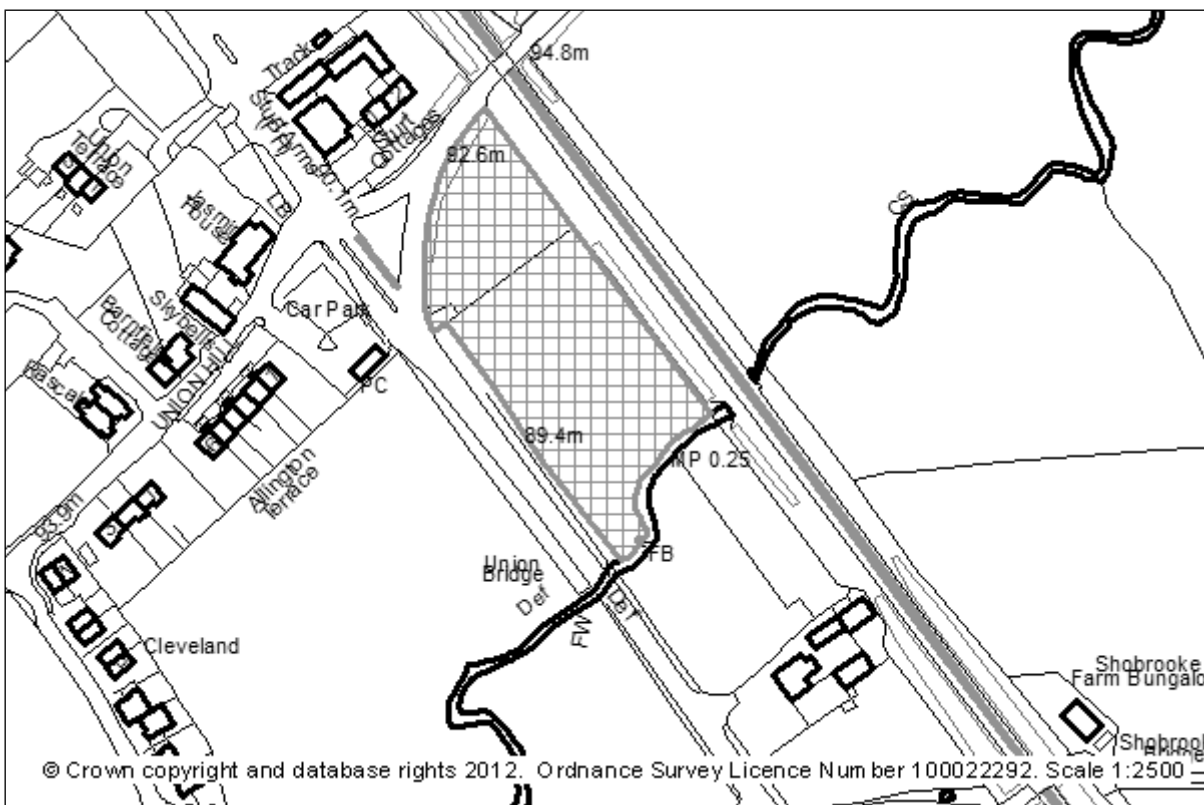
Grid Ref: 275195 : 104806

Applicant: Mrs S Seage

Location: Land at NGR 275194 104806 (Woolsgrove Court)
Morchard Road
Devon

Proposal: Erection of dwelling, formation of new vehicular access and public footpath

Date Valid: 4th December 2019



APPLICATION NO: 19/02022/FULL

MEMBER CALL-IN

The application has been called in by Cllr Colthorpe to consider;

1. The principle of residential development in a countryside location, outside of a settlement boundary
2. To consider whether the eco measures proposed are of sufficient significance to make it an exception to policy

RECOMMENDATION

Refuse permission

PROPOSED DEVELOPMENT

Erection of dwelling, formation of new vehicular access and public footpath at land at NGR 275194 104806 (Woolsgrove Court), Morchard Road. The site area extends to approximately 0.6 hectares and comprises a relatively level area bordered by the railway line to the north east, a stream and the garden of Woolsgrove Court to the south east, the A377 highway to the south west and to the north west the classified highway leading to Morchard Bishop. There is an existing field gate access to the site at the southwest boundary close to junction where the classified highway from Morchard Bishops meets with the A377. The site is split by a post and rail fence, with the land to the south east of this being located within flood zones 2 and 3.

The application seeks consent for the erection of a dwelling with associated new vehicular access. The dwelling is proposed to be located to the north west corner of the plot. It takes a U shaped form surrounding an internal courtyard with the rear elevation set into the bank and highway to the north west. The dwelling footprint measures 18.2m in length and 12.6m wide, providing a total internal floor space of approximately 334sqm. The design utilises a pitched roof to the two 'wings' with an overall height of 8.5m. The material palette comprises natural stone and painted render with a zinc roof wrapping around the structure and down to first floor level, windows and doors are proposed to be of aluminium. The gables and the section that adjoins the two 'wings' are proposed to be finished in a vertical timber cladding. The scheme also includes the provision of a pond within the south east part of the site which the applicant's intend will benefit wildlife.

It is proposed that the existing access would be closed and a new access provided approximately 15m north west of the existing access point. The proposed new access leads to a parking and turning area in front of the new dwelling. It is also proposed to provide a new footpath of approximately 21m along the south western edge of the triangular grass highway verge north west of the site. This would facilitate a link from the existing pedestrian crossing point on the A377 towards the school bus stop located at the western edge of the site.

APPLICANT'S SUPPORTING INFORMATION

Application form

Plans

Planning statement

Design and access statement

Surface water drainage strategy

FDA1

Flood risk assessment

Ecological impact assessment

RELEVANT PLANNING HISTORY

15/01297/CLU - PERMIT date 5th October 2015 Certificate of Lawfulness for the existing use of agricultural land as residential garden for a period in excess of 10 years

NB: this CLU relates to land east of the stream and not included within this application site.

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR1 Sustainable Communities
COR2 Local Distinctiveness
COR3 Meeting Housing Needs
COR5 Climate Change
COR8 Infrastructure Provision
COR9 Access
COR11 Flooding
COR12 Development Focus
COR18 Countryside

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

AL/IN/3 Public Open Space

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 Presumption in favour of sustainable development
DM2 High quality design
DM8 Parking
DM14 Design of housing
DM15 Dwelling sizes

CONSULTATIONS

Highway Authority - 28.01.20

Observations:

I have visited the site and had pre application discussions with the applicant. The site is located at the junction of the A377 and Morchard Road and has an existing field gate located at the give way line of the two roads close to the recently sited bench at the bus stop. The proposal relocates that access away from the bench and necessitates a positive turn from the main road to access the site an improvement from the current agricultural gate location where vehicles can cut across the give way to access the site. In addition appropriate visibility splays have been provided to cater for the observed speed of traffic and a footway is to be provided to the benefit of all residents wishing to access the bus stop particularly school children. The Highway Authority would raise no objection to the proposal subject to the plans being conditional of any consent and the imposition of the following condition.

The applicant should be advised of the need to apply for a vehicle crossing licence from the Highway Authority and would request that this form part of the notes.

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. Off-Site Highway Works No occupation of the development shall take place on site until the off-site highway works as for the provision of a footway linking the site to the village have been constructed and made available for use.

REASON: To minimise the impact of the development on the highway network in accordance with National Planning Policy Framework

31st March 2020

The Highway Authority would prefer to see visibility splay at 600mm maximum height, but is happy to accept the proposed development. The applicant is reminded that the installation of the footway will need to be secured through a section 278 legal agreement with the Highway Authority.

ENVIRONMENT AGENCY - 20th February 2020 - Environment Agency position

We have no objection to the proposed development. The reason for this position and advice relating to flood risk associated with the proposal is provided below.

Reason - Whilst we have no in-principle objection to the proposal, we wish to stipulate that the proposed pond should not have a bund put around it, or any arisings from its construction be spread on the floodplain of the watercourse. This is to ensure that there is no loss of floodplain storage.

In addition to the above, we point out that the proposed property would potentially be at risk of flooding should the bridge/culvert structure under the railway embankment block. This is because the railway embankment appears to be at a higher level than the proposed finished floor level (89.30). The proposer may therefore wish to consider raising the finished floor level to take this risk into account. Such a measure would also reduce the risk of flooding due to the predicted increase in flood flows over the lifetime of the development (85% higher in 100 years' time than current flow values).

DOWN ST MARY PARISH COUNCIL - 7 January 2020

The Down St Mary Parish Council were concerned about this application both because the field is frequently flooded and the proposed exit onto the triangle seemed impractical and presented visibility problems. They thought the eco-credentials could be enhanced.

NATURAL ENGLAND - 20th December 2019 - No comments

20th April 2020- Natural England has previously commented on this proposal and made comments to the authority in our letter dated 18 December 2019. The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

PUBLIC HEALTH –

Contaminated Land: No objection to this proposal. (06.12.19).

Air Quality: No objection to this proposal. (05.12.19).

Environmental Permitting: No objection to this proposal. (05.12.19).

Drainage: No objection to this proposal. (06.12.19).

Noise & other nuisances: No objection to this proposal. (06.12.19).

Housing Standards: There is no safe means of escape from the bedrooms on the first floor. The stairs lead straight from the high risk areas and it is not clear where the exit points are other than through the utility room. The bedrooms are therefore inner rooms and the layout should be reconsidered to ensure a safe means of escape in the event of a fire. (05.12.19).

Licensing: No comments. (05.12.19).

Food Hygiene: Not applicable. (05.12.19).

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. (09.11.19).

Health and Safety: No objection to this proposal enforced by HSE. (05.12.19).

NETWORK RAIL - 11 February 2020

After studying the proposals detailed in the application, Network Rail objects to the above application in its current form. The red line plan submitted shows the applicant's ownership is incorrect, the applicant has included a section of land in our ownership (see attached plans which show Network Rail's ownership in Green, title plan view and the plan submitted by the applicant). Network Rail has not been served with the correct notice as landowner which invalidates this application.

Network Rail is likely to withdraw any objection if an acceptable solution can be found and the applicant removes our land from the redline plan. Once we have received the amended plans, we will then be in a position to submit our comments, until then, our objection will remain.

SOUTH WEST WATER - 31.12.19

With reference to the building control notification at the above address, the applicant/agent is advised to contact South West Water if they are unable to comply with our requirements as detailed below.

Asset Protection

Please find attached a plan showing the approximate location of a public 4" water main in the vicinity of the above proposed development. Please note that no development will be permitted within 3 metres of the water main. The water main must also be located within a public open space and ground cover should not be substantially altered.

Should the development encroach on the 3 metre easement, the water main will need to be diverted at the expense of the applicant. Please click here to view the table of distances of buildings/structures from public water mains. Further information regarding the options to divert a public water main can be found on our website via the link below:

www.southwestwater.co.uk/developer-services/water-services-and-connections/diversion-of-water-mains/

Should you require any further information, please contact the Planning Team via email:

DeveloperServicesPlanning@southwestwater.co.uk. If further assistance is required to establish the exact location of the water main, the applicant/agent should call our Services helpline on 0344 346 2020.

Clean Potable Water

South West Water is able to provide clean potable water services from the existing public water main for the above proposal. The practical point of connection will be determined by the diameter of the connecting pipework being no larger than the diameter of the company's existing network.

Foul Sewerage Services

South West Water is able to provide foul sewerage services from the existing public foul or combined sewer in the vicinity of the site. The practical point of connection will be determined by the diameter of the connecting pipework being no larger than the diameter of the company's existing network.

The applicant can apply to South West Water for clarification of the point of connection for either clean potable water services and/or foul sewerage services. For more information and to download the application form, please visit our website: www.southwestwater.co.uk/developers

Surface Water Services

The applicant should demonstrate to your LPA that its prospective surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable (with evidence that the Run-off Destination Hierarchy has been addressed, and reasoning as to why any preferred disposal route is not reasonably practicable):

1. Discharge into the ground (infiltration); or where not reasonably practicable,
2. Discharge to a surface waterbody; or where not reasonably practicable,
3. Discharge to a surface water sewer, highway drain, or another drainage system; or where not reasonably practicable,
4. Discharge to a combined sewer. (Subject to Sewerage Undertaker carrying out capacity evaluation)

Having reviewed the applicant's current information as to proposed surface water disposal for its development, please note that method proposed to discharge into a surface water body is acceptable and meets with the Run-off Destination Hierarchy.

I trust this clarifies the water and drainage material planning considerations for your LPA, however, if you have any questions or queries, please contact me either on direct line: 01392 443661 or via email: DeveloperServicesPlanning@southwestwater.co.uk. Please quote reference number AB311219 EX17 5LG in all communications and correspondence.

REPRESENTATIONS

At the time of writing this report one representation has been received which raises concern in relation to the safety of the proposed access arrangements. It also highlights that the foul drainage system for their property and the pub discharges to this land and provisions should be made to deal with this.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

- 1. Policy and principal of development**
- 2. Design, impact on the character and appearance of the area**
- 3. Highway matters**
- 4. Flood risk and drainage**
- 5. Other issues- ecology, impact to railway,**
- 6. S106 matters- public open space, air quality**

1. Policy and principal of development

Policy COR1 seeks to manage growth to meet sustainability objectives including through meeting housing needs of all sectors of the community and providing accessible forms of development that reduce the need to travel by car, allow ease of movement and safe environments. COR9 seeks to co-ordinate development and transport planning to improve accessibility for the whole community, reduce the need to travel by car and increase public transport use, cycling and walking. COR7 seeks to utilise previously developed land and guide development to the most sustainable locations available, which maximise social and economic benefits, minimise the loss of green field sites to built development and make the best use of land and other resources. COR12 establishes the development strategy for the district which seeks to concentrate development at Tiverton, Cullompton and Crediton with other settlements accommodating very limited development required to meet local needs and promote rural regeneration. Policy COR17 identifies the rural settlements with some local facilities, employment and access to services such that some limited development could be supported, Morchard Road is not identified as a settlement which has suitable facilities. On this basis the site is considered to be a countryside location where policy COR18 seeks to strictly control development to enhance the character, appearance and biodiversity of the countryside while promoting sustainable diversification of the rural economy. In relation to housing COR18 does not support the provision of a new market dwelling in this location.

However policies COR3, COR17 and COR18 in relation to housing supply have been found to be inconsistent with the relevant parts of the NPPF and therefore should be offered limited weight in decision making. Paragraph 11 of the NPPF advises that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless the application of policies within the NPPF that protect assets of particular importance provide a clear reason for refusing the development or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole.

The NPPF seeks to achieve sustainable development through three overarching objectives which are interdependent and need to be pursued in mutually supportive ways; an economic objective, a social objective and an environmental objective. In relation to rural housing the NPPF requires planning policies and decisions to be responsive to local circumstances and support housing development that reflect local needs. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Furthermore planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby. Paragraph 79 states that planning policies and decisions should avoid the development of isolated homes in the countryside apart from in exceptional circumstances. The applicant's case is that the site is not in an isolated location and provides accessibility to public transport as well as facilities within Morchard Road.

In terms of physical proximity to other buildings and dwellings, the site is located relatively close to a number of other dwellings and in close to the Devonshire Dumpling Public House. Morchard Road benefits from some public transport facilities including a bus service and the train station. However the site does not benefit from immediate access to facilities necessary to support day to day living, as a result it is considered likely that future occupiers of the proposed dwelling would need to travel to access even the most basic services such as shops, school, doctors surgery or a post office. The nearest settlement providing some of these services is Copplestone, which is approximately 2.1 miles south east of the site. Morchard Bishop is located approximately 2.7 miles north east and Lapford approximately 3 miles north west. The most direct routes to the facilities in these settlements would require walking along either the A377 highway or via the class III highway heading north of the site, neither option provides a safe footway or lighting and are therefore by virtue of the distance, nature of the route and lack of provision for safe pedestrian movement are not considered to offer a practical or safe option for pedestrians to access local services. Whilst the public transport services offer an opportunity for sustainable travel it is considered likely that future occupiers would be reliant on private car travel to access services.

It is recognised that the development provides the opportunity to support services in other nearby villages albeit there is some concern with regard to the ability of future occupiers to access these services through sustainable means including walking and cycling. This will be further considered in the planning balance section below.

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

Policy COR18 seeks to strictly control development outside of settlements to enhance the character, appearance and biodiversity of the countryside. Furthermore policy COR2 requires development to sustain the distinctive quality, character and diversity of Mid Devon's environmental assets through high quality sustainable design which reinforces the character and legibility of Mid Devon's built environment and creates attractive places.

Policy DM2 requires that designs of new development must be of high quality, based upon and demonstrating the following principals;

- a) Clear understanding of the characteristics of the site, its wider context and the surrounding area;
- b) Efficient and effective use of the site having regard to criterion (a);
- c) Positive contribution to local character including any heritage or biodiversity assets and the setting of heritage assets;
- d) Creation of safe and accessible places that also encourage sustainable modes of travel such as walking and cycling;
- e) Visually attractive places that are well integrated with surrounding buildings, streets and landscapes, and do not have an unacceptable adverse effect on the privacy and amenity of the proposed or neighbouring properties and uses, taking account of;
 - i) Architecture
 - ii) Siting, layout, scale and massing
 - iii) Orientation and fenestration
 - iv) Materials, landscaping and green infrastructure
- f) Appropriate drainage including sustainable drainage systems (SUDS) and connection of foul drainage to a mains sewer where available.

In relation to new housing development, policy DM14 outlines that 'New housing development should be designed to deliver;

- a) High quality local places taking into account physical context, local character, density and land use mix;
- b) Adequate levels of daylight, sunlight and privacy to private amenity spaces and principal windows;
- c) Suitable sized rooms and overall floorspace which allows for adequate storage and movement within the building together with external space for recycling, refuse and cycle storage;
- d) Adaptable dwellings that can accommodate a range of occupiers and their changing needs over time which will include the provision of a stairway suitable for stair lift installation or space for the provision of a lift in homes with more than one store;
- e) Private amenity space that reflects the size, location, floorspace and orientation of the property;
- f) Sustainable forms of development that maximise the natural benefits of the site through design, materials, technology and orientation;
- g) On sites of 10 houses or more the provision of 20% of dwellings built to the lifetime homes standard;
- h) Car parking in accordance with policy DM8.

Part 12 of the NPPF seeks to achieve well designed places and requires planning decisions to ensure that developments, amongst other things are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting whilst not preventing or discouraging appropriate innovation or change.

The existing site is an undeveloped parcel of land in a linear form between the railway to the north east and the A377 highway to the south west. The western edge of the site is enclosed by a hedgerow set on an embankment with the highway being at a higher level than the site area. The applicant's case states that the land forms part of the garden of Woolsgrove Court, this does not appear to accord with the planning history which suggests its lawful use as agricultural land. At the time of the case officer site visit there did not appear to be any active use of the site as part of the residential planning unit of Woolsgrove Court. Notwithstanding this, it is noted that the site provides a pleasant and open green space which is appreciable for users of the public highway approaching Morchard Road from the east and moving towards the more built up area to the west of the site. In terms of views from the west, the site provides an open character reflecting its countryside location and a clear break between the more built up form of the existing development of Morchard Road and the sporadic dwellings east of the site.

The proposed dwelling is a substantial structure with a footprint of approximately 191 sqm and overall height of 8.5m. It is noted that the design utilises a traditional roof pitch and a high quality material palette albeit providing a more contemporary finish given the wrap around of the roofing material to first floor level. This is also reflected in the fenestration arrangement and particularly the extensive glazing to the east elevation. The siting of the dwelling is such that the rear (west) elevation is set against the existing embankment, however the dwelling would still protrude over 6m above the level of the highway bounding the north- northwest part of the site. The development will be most clearly visible within views from the south east where the full scale of the structure would be appreciable notwithstanding the landscaping proposed. There is concern with regard to the overall scale, mass and design of the proposed dwelling, the scale is considered to be particularly dominant and would fail to integrate well with the surrounding context contrary to the requirements of policies DM2 and DM14. On this basis, the design of the scheme is considered to

be harmful to the character and appearance of the site and its wider rural context contrary to policies COR2 and COR18.

The proposed dwelling significantly exceeds the government's floor space standards and would offer a good level of amenity for future occupiers. Furthermore, given the site location and separation distance to neighbouring properties it is not considered that the proposed development would result in harm to the amenity of any neighbouring properties.

The application has been called in for consideration by committee to consider whether the eco measures proposed are of sufficient significance to make it an exception to policy. The application scheme states that the dwelling would take a fabric first approach to provide a carbon neutral development through the use of sustainable and recyclable materials where possible. The dwelling would also be serviced by a ground source heat pump and photovoltaic panels for electrical production with the intention that the house is self sufficient. In addition car charging points are proposed in the garage, re-using greywater for the garden and additional tree planting.

3. Highway matters

The proposed new access would be formed through the existing hedgerow with visibility splays of 25m in each direction. The Highway Authority consider that the new access would be an improvement to the existing field gate access and have not raised any objections to the proposed development. The development would provide sufficient room for parking in accordance with policy DM8.

The scheme includes the provision of a pedestrian footway off site to improve access to the bus stop at the edge of the site, it is understood that this is a school bus stop rather than one serving the public bus network. Nonetheless, this is supported by the Highway Authority and would provide some benefit to the general public in providing a safer route to the bus stop from the existing crossing point which currently extinguishes on the triangular grass verge. The public benefit can be offered some positive weight in the planning balance and is considered further below.

4. Flood risk and drainage

Policy COR11 seeks to manage the impact of flooding to reduce the risk of flooding to life and property where possible, guide development to sustainable locations with the lowest flood risk and ensure that development does not increase the risk of flooding to properties elsewhere.

As noted above, part of the site falls within flood zones 2 and 3. The existing post and rail fence, as indicated on the submitted plans, separates the site with the dwelling and associated access, parking and turning area proposed to be located outside the flood risk zones. The EA flood map shows the flood zone encompassing the southeast part of the site, up to the boundary defined by the stream and into the eastern corner of the smaller part of the plot where the existing fence is currently located. The applicants intend that the formation of the wildlife pond within the flood risk part of the site would provide additional flood storage capacity. The submitted flood risk assessment identifies that the land suffers from occasional flooding during periods of heavy rainfall when surface water from the A377 drains into the site and the stream exceeds capacity, the flood water disperses effectively via the stream.

The Environment Agency have commented on the proposal and do not raise any objections to the scheme although note that the proposed dwelling could be subject to flooding if the culvert structure under the railway embankment became blocked. They have suggested that this could be resolved by raising the height of the finished floor level of the development, the applicant has not sought to revise the plans to reflect this. In addition the EA wish to ensure that no bund is provided

around the pond to ensure flood plain capacity is retained, this could be controlled by condition if committee were minded to recommend that permission is granted.

Although part of the site is located in a high flood risk zone, on the basis that the dwelling and associated access are located outside flood zones 2 and 3 it is not considered that the proposed development would result in any increased risks of flooding contrary to the requirements of policy COR11.

It is proposed that foul drainage will be managed by a new package treatment plant within the curtilage of the dwelling. In terms of surface water drainage it is proposed that surface water would be directed to the existing stream to the south east edge of the site. External areas would utilise porous paving materials to replicate natural infiltration.

In response to the neighbours concerns that their foul drainage system would be affected, the applicant's agent has confirmed that they would provide a soakaway to manage this. No specific details have been provided at this time.

5. Other issues

Ecology: The applicants have submitted an Ecological Impact Assessment in support of the application which found that the site offered limited value as a wildlife habitat and the development is unlikely to affect the favourable conservation status of any protected species. Enhancement measures including the installation of bat and bird boxes, and suitable native planting to the pond area would improve the ecological value of the site.

Network Rail: As members will note there is an outstanding objection from Network Rail. Since their original comments the corrected ownership certificate has been provided although the applicant has not sought to amend the red line to remove the land within Network Rail ownership. A further 21 day consultation period has been undertaken following submission of the corrected ownership certificate, at the time of writing this report no further comment has been received from Network Rail. The extent of land owned by Network Rail is understood to be an approximately 14m wide strip around the north west corner of the site up to the highway edge. As such the proposed new access and a significant proportion of the footprint of the dwelling is located within land owned by Network Rail. However this is considered to be a civil matter which the applicant would need to resolve with Network Rail if permission were granted. It is not considered to be a material planning consideration that would justify withholding planning permission.

Public Open Space: Policy AL/IN/3 requires 60 square metres of equipped and landscaped public open space per dwelling or a financial contribution towards off site provision of play areas and open space facilities where no on site provision is made. No formal open space is intended to be provided on site and due to the scheme being for a single dwelling on site provision is undesirable. Accordingly, a financial contribution of £1442 is required to mitigate the impacts of the development in accordance with policy AL/IN/3 and the Council's supplementary planning document on The Provision and Funding of Open Space Through Development. The contribution would be provided towards landscaping improvements to public open space within Down St Mary. The necessary contribution has not been sought from the applicant's at this stage due to the recommendation that planning permission is refused. As the relevant contribution has not been secured this forms a reason for refusal, however members are advised that it could be secured through a unilateral undertaking should they be minded to recommend that permission is granted.

The Council's Public Health team have raised concerns with regard to the lack of safe fire escape routes. Whilst these concerns are noted it is considered that this matter is covered by Building

Regulations assessment and is not considered reasonable to refuse planning permission on these grounds.

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.

6. Planning balance/ summary

The proposed development would result in the provision of a dwelling in a countryside location which does not benefit from the services and facilities required for day to day living. Whilst there is some opportunity for future occupiers to utilise public transport to access services and employment and support facilities in other local villages, the site location does not provide safe and accessible travel by sustainable modes such as walking and cycling. On this basis it is considered likely that future occupiers would likely be dependant on private car travel. The design of the proposed dwelling, particularly in terms of its scale and massing, is not considered to be acceptable and would result in significant harm to the character and appearance of the rural area. The design and harm to the character and appearance of the area conflicts with policies COR2, COR18, DM2 and DM14 and part 12 of the NPPF which seeks to provide well-designed places that are sympathetic to local character and landscape setting.

In terms of the social objective, it is recognised that the development would provide an additional dwelling within the Council's housing supply. However given that the Council has a five year housing land supply, the proposed dwelling is not designed to meet an identified and evidenced local need and is located in an area which is considered to be unsustainable for new residential development, this is considered to carry very limited weight in the planning balance. The development could secure the delivery of the new footway to enhance pedestrian safety between the existing highway crossing point and the school bus stop outside the site. This is recognised as a benefit of the scheme which can be offered positive weight in the planning balance. Similarly there would be some limited social and economic benefits arising from the likelihood that there would some additional support for facilities within local villages.

The proposal would generate a benefit to the local economy through sustaining employment in the construction sector however this is would be short term and limited in extent and therefore carries little weight in the overall assessment.

Overall, having regards to all the relevant material considerations it is considered by officers that there would be a significant level of harm arising to the character and appearance of the site and wider area contrary to policies COR2 and COR18 of the Mid Devon Core Strategy (LP1), DM2 and DM14 of the Local Plan part 3 (Development Management Policies). It is also considered that the proposal would result in environmental harm arising from the lack of accessibility to services by sustainable modes of travel and therefore a likely dependence on private car travel contrary to the aims of policies COR1 and COR9. In this case, it is considered by officers that the level of harm arising would significantly outweigh the benefits of the scheme that have been identified. Therefore the proposal is recommended for refusal in accordance with paragraph 11 of the NPPF and the relevant development plan policies as set out above.

REASONS FOR REFUSAL

1. In the opinion of the Local Planning Authority the harm arising from the provision of a dwelling in this location which is not considered to be environmentally sustainable for new residential development, in addition to the harm arising to the character, appearance and visual amenity of the site as a result of the scale, mass and design of the proposed dwelling, is considered to significantly outweigh the benefits arising from the scheme. Planning permission is therefore refused in accordance with paragraph 11 of the National Planning Policy Framework and local plan policies COR1, COR2, COR7, COR9, COR12 and COR18 of the Mid Devon Core Strategy (Local Plan Part 1) and policies DM2 and DM14 of the Local Plan Part 3 (Development Management Policies).
2. In the absence of a completed S106 Legal Agreement or Unilateral Undertaking the proposal fails to mitigate against its direct impacts to local public open space provision and does not, therefore, satisfy the provisions of policies COR1 and COR8 of the Mid Devon Core Strategy (Local Plan Part 1) and policy AL/IN/3 of the Mid Devon Allocations and Infrastructure Development Plan Document (Local Plan Part 2) and the Council's supplementary planning document The Provision and Funding of Open Space Through Development.

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. 19/01309/FULL

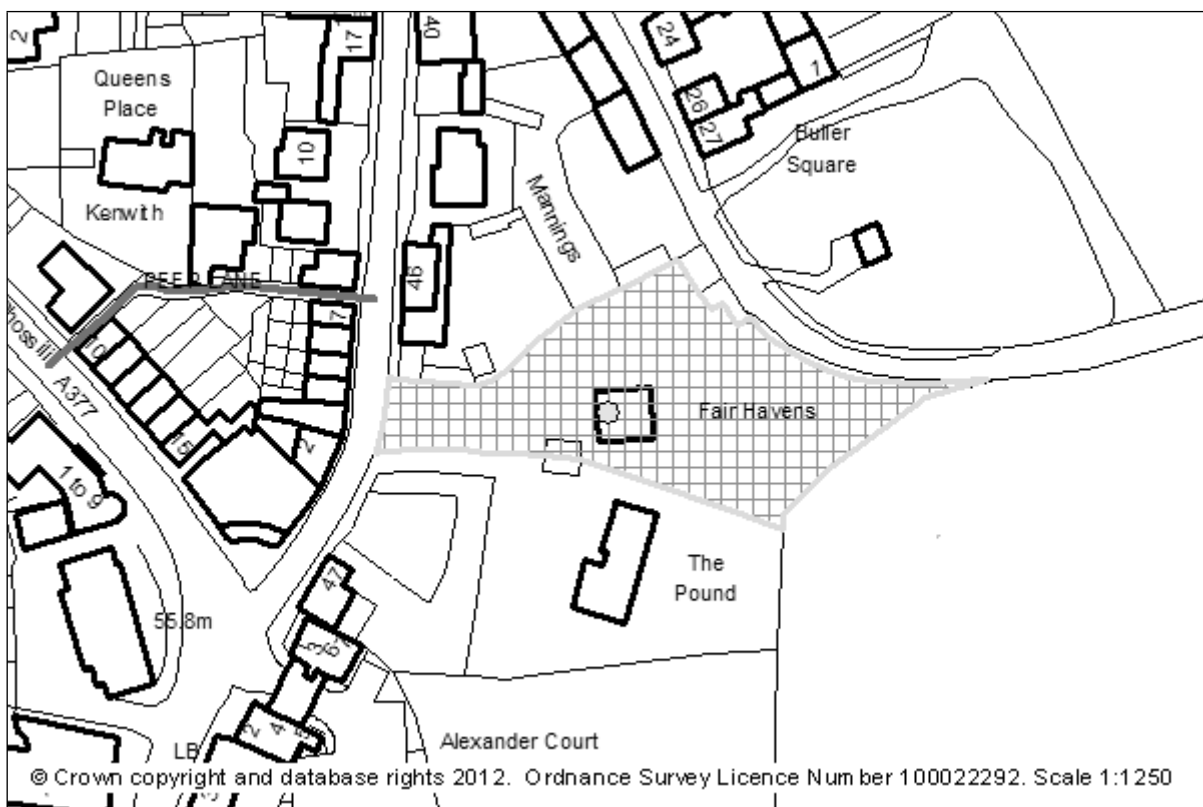
Grid Ref: 283951 : 100017

Applicant: Mr Chris Reed

Location: Fair Havens
Mill Street
Crediton
Devon

Proposal: Erection of a dwelling including demolition of a garage (Revised Scheme)

Date Valid: 15th August 2019



PLANNING WORKING GROUP – 30 January 2020

Application 19/01309/FULL – Erection of a dwelling including demolition of a garage (revised scheme), Fair Havens, Mill Street, Crediton

There were 3 Members of Planning Working Group present.

Also present – the agent, an objector and a representative of the Town Council.

The Chairman indicated that the Planning Working Group had been requested to visit the site to consider: relevant parts of Policy DM2 as follows:

Policy DM2 requires designs of new development to be of high quality based upon and demonstrating the following principles:

- a) Clear understanding of the characteristics of the site, its wider context and the surrounding area
- c) Positive contribution to local character including any heritage or biodiversity assets and the setting of heritage assets
- e) Visually attractive places that are well integrated with surrounding buildings, streets and landscapes, and do not have an unacceptable adverse effect on the privacy and amenity of the proposed or neighbouring properties and uses, taking account of:
 - ii) Siting, layout, scale and massing
 - iv) Materials, landscaping and green infrastructure

The Chairman welcomed everyone to the site visit and introductions took place.

The Principal Planning Officer outlined the application and the history of development on the site: the 2003 consent for an extension to the existing bungalow which had been implemented. She provided the approved plans for the scheme and plans for the current proposal which included the addition of roof lights and other elevations, also the proposed landscaping scheme and the additional tree planting.

Questions were raised with regard to:

- The difference between the permitted and extant scheme
- Whether any of the original bungalow still existed
- The positioning of the fence and what sort of screening it would provide if it was at the bottom of the slope
- The landscaping scheme and what it would consist of
- Planning permission was not required for the demolition of the garage

The objector addressed the group stating that the dwelling would have a colossal impact on the town, she had provided photographs at committee taken from different parts of the town which highlighted the size of the dwelling and that it did not fit in with the local area. There would be considerable overlooking from the rear of the house into her bedroom windows and her garden. Her home was a listed property and the new dwelling would impact on the setting of the listed

building. She felt that the roof tiles were not consistent with the original bungalow and that these did not fit into the conservation area.

The agent then addressed the group providing photographs of the original bungalow, details of the 2003 application and the consent for the extension. He provided plans of the area of the dwelling which didn't have consent and that that did. He emphasised that this was not a new dwelling but an extension to the original bungalow and provided 'building regulations' documentation. He provided samples of the original roof tiles from the bungalow and the new tiles that were present on the roof.

The representative from the Town Council provided a photograph of the original bungalow, he felt that there was nothing else in the area that compared to the current dwelling, he felt that it was very prominent and dominant in its current setting.

The Ward Member provided photographs of the dwelling in its setting surrounded by listed properties looking from the top of the hill. He outlined the history of the conservation area and the listed properties in Buller Square, he felt that the applicant had used a loophole in planning law to erect the dwelling. He reminded members of the development at Wellparks that had been built using red brick with slates tiles to fit in with the local area.

The group then walked around to the rear of the dwellings where they were able to look down onto the neighbouring listed property and the buildings within Buller Square.

Those present then walked out of the site and down into Buller Square and up the lane. The objector highlighted the impact of the dwelling on her property and explained that she had permission for an additional dwelling and the hoops that she had had to go through to get planning permission.

Walking back to the site, the group considered the planting scheme proposed on the driveway.

The Planning Officer was requested seek the following advice:

- Clarity from Building Control with regard to what part of the structure was the original bungalow
- Legal clarification with regard to what was approved and what was not.

Members agreed that they would voice their views regarding the application at the next meeting of the Planning Committee.

FURTHER OFFICER COMMENTS

With regard to the queries raised at the Planning Working Group meeting, as set out above.

The Council's Building Control officer has confirmed that the foundations and floors of the original dwelling were retained. One external wall has been kept and is now internal. Where the external walls are in the same place as before they have been taken down to DPC level and rebuilt in new brickwork to create a cavity wall/ insulated wall to match the other external walls, they now significantly exceed minimum standards for thermal insulation.

The Council's Head of Legal has provided a response in relation to the clarification sought as to what was previously approved. The approved plans in relation to application 03/00835/FULL demonstrate the scope of development previously approved. The plans submitted in respect of the current application demonstrate the extent of the proposed revisions to the scheme (the proposed alterations are summarised at section 2 of the officer's report). The question that needs to be considered is whether the deviations result in harm and give rise to conflict with the development plan such that planning permission should be refused.

Concerns have been raised with regard to the appearance of the roof tiles, particularly their colour. Condition 3 of planning permission 03/00835/FULL required that;

(3) The external surfaces of the extension(s) hereby approved shall be of materials to match those of the existing building. No other materials may be used unless the prior written consent of the Local Planning Authority is given to any variation thereto.

Reason: To safeguard the visual amenities of the area, and to ensure that the proposed development does not have an adverse effect on the appearance of the buildings.

The material palette at the time of that application was listed to match the existing dwelling; brick and render walling, tiled roof and white uPVC windows. Whilst the tiles that have been used are prominent in their un-weathered state, the wording of condition does not require that the tiles match the appearance of the existing tiles, only that the external surfaces be of materials to match the existing. However, it is relevant to consider whether the use of the tiles on the dwelling in its revised form (i.e. the impact of the tiles on the additional floor of the previously approved single storey extension at the northern end of the dwelling), causes harm having regard to the development plan and other material planning considerations. As members will be aware, officers are of the view that the alterations to the 2003 scheme sought through this application do not result in significant harm that would be considered to warrant refusal of the application.

If members are of the view that planning permission should be refused, it will be necessary to consider whether it is expedient to take enforcement action and if so, what remedial steps are reasonable and necessary in order to address the harm.

APPLICATION NO: 19/01309/FULL

MEMBER CALL-IN

Cllr John Downes called the application in to consider whether the proposal would result in overdevelopment of the site and non-compliance with the original approval.

RECOMMENDATION

Grant planning permission subject to conditions

PROPOSED DEVELOPMENT

Erection of a dwelling including demolition of a garage at Fairhavens, Mill Street, Crediton. The site is located within the town of Crediton and within the Crediton Conservation Area. The site was formerly occupied by a modest, single storey dwelling, however works have been undertaken to provide a larger dwelling on the site. Access is achieved via a shared private drive which rises steeply up from Mill Street to the west of the site.

The application seeks consent for the erection of a dwelling and demolition of the existing garage. The site area extends to approximately 1805sqm. At the time of the case officer site visit the external shell of the dwelling was largely complete (with roof, windows and doors installed) and the internal fit out was being undertaken.

The proposed dwelling is a two storey, 4 bedroom dwelling constructed of brick with a tile roof and black uPVC windows and doors. The design and form of the dwelling is similar to the scheme approved for extending the original building back in 2003 under planning permission 03/00835/FULL. It is proposed that foul drainage will be disposed to the mains system and the surface water will be managed via a soakaway.

APPLICANT'S SUPPORTING INFORMATION

Application form

Plans

Planning statement

Letter regarding wildlife survey

Letter re tree protection plan and arboricultural method statement (December 2017)

RELEVANT PLANNING HISTORY

01/02006/FULL - PERMIT date 27th August 2002 Erection of workshop/study building

02/00297/FULL - PERMIT date 3rd September 2002 Erection of conservatory, a single storey and a two storey extension and a main second storey together with retention of boundary wall

03/00835/FULL - PERMIT date 9th June 2003 Erection of single and two storey extensions to north and east elevations and verandah to west elevation and retention of boundary wall

04/00839/FULL - REFUSE date 24th June 2004 Erection of 1 no. dwelling with new access

14/00388/FULL - PERMIT date 6th January 2015 Erection of 3 dwellings with shared courtyard and parking areas, following demolition of existing dwelling

17/01744/FULL - WDN date 14th December 2017 Variation of conditions (8), (9) and (13) of planning permission 14/00388/FULL to allow early commencement of development

19/00625/NMA - WDN date 23rd May 2019 Non material amendment for 03/00835/FULL to increase the roof height of single storey North extension to include a room with associated dormer to front and bay window to rear, insertion of full height brick chimney to North elevation

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR2 Local Distinctiveness
COR15 Crediton

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 Presumption in favour of sustainable development
DM2 High quality design
DM8 Parking
DM14 Design of housing
DM27 Development affecting heritage assets

CONSULTATIONS

CREDITON TOWN COUNCIL- 22nd August 2019-

Crediton Town Council OBJECTS to this development. It appears to have been built without any permission and is not a variation of anything existing. This is illegal. It is a large 3-storey detached residence, as opposed to a garden shed, to ignore it, or accommodate it, would be a travesty of planning procedures and law. Had this come forward as a new application, the Town Council would have had the opportunity to comment on its impact on the conservation area in terms of its scale and use of materials. The Town Council would also have been able to look at its sustainability. Such a proposal would not have been supported by Crediton Town Council. To this end, the actual current development is unacceptable and should not have been built.

PUBLIC HEALTH- 22nd August 2019-

Contaminated Land: No objection to this proposal. (21.8.19).

Air Quality: No objection to this proposal. (15.8.19).

Environmental Permitting: No objection to this proposal. (15.8.19).

Drainage: No objection to this proposal. (21.8.19).

Noise & other nuisances: No work shall be carried out on the site on any Sunday, Christmas Day or Bank Holiday or other than between the hours of 0730 and 1900 hours on Monday to Fridays and 0730 and 1300 on Saturdays.

Reason: To ensure that the proposed development does not prejudice the amenities of neighbouring properties. (21.8.19).

Housing Standards: No comment. (20.8.19).

Licensing: No comment. (15.08.19).

Food Hygiene: Not applicable. (16.8.19).

Private Water Supplies: Not applicable. (16.08.19).

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. (16.8.19).

HIGHWAY AUTHORITY- 2nd September 2019- standing advice applies.

MDDC CONSERVATION OFFICER- 6th September 2019

I have visited the site which is a raised site accessed from Mill Street Crediton. The existing house replaces a former bungalow which originally gained planning permission in 2003.

The design and materials are not particularly sympathetic to the character of the Crediton Conservation Area however these have been approved previously. This application relates to raising the ridge of the north addition and it would appear that the main roof of the house has been converted with additional roof lights and gable windows which would be permitted development unless the ridge is built higher than the approved. The roof lights are visible features from views in the Conservation Area from Mill Street and Buller Square and are harmful to the character of the CA and should be removed if not permitted development.

The raising of the roof of the north side addition and added bay window are in the same style as the existing design and are still subservient. The large rooflight to the front elevation should be removed if not permitted development.

REPRESENTATIONS

At the time of writing this report 5 letters of objection have been received, the main issues raised are summarised below;

1. The site sits at a higher level than Downeshead Lane
2. The impact on the conservation area and houses in Downeshead Lane is not in keeping with current planning requirements
3. It is clearly visible from a wide surrounding area and is not in keeping with the local vernacular
4. The retrospective application makes a complete travesty of planning laws and a mockery of the planning committee
5. The 2003 permission for extension of the original bungalow lapsed
6. Our garden is now completely overlooked by the upper storey windows of the house
7. The materials are unsympathetic. The original bungalow had red tile roof but its height meant they were not very visible
8. The current bright terracotta coloured roof tiles are not the same as the original property and are out of keeping with the conservation area
9. There is no screening to the building
10. Concern that the building has not been built to building regulation approval
11. The increased height of the building is dominant in views from neighbouring properties
12. Concern as to how the garage will be demolished without impact to the neighbours garage which it attaches to
13. There is no plan to show areas of car parking and turning
14. The letter from Advanced Arboriculture is referred to despite having been submitted under a separate application (14/00388/FULL)
15. The existing access is in a poor state of repair
16. Trees and earth have been removed from the entrance to the drive to support the widening of the access, they have stated that there is no intention to change the access from Mill Street. Confirmation of their intention is required.

One letter of support has been received which states that the original bungalow had become derelict and a complete eyesore. The design is basically the same as the approved planning permission from 2003.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

- 1. Policy, planning history and principal of development**
- 2. Design, impact on heritage assets**
- 3. Impact on the amenity of neighbouring occupiers**
- 4. Highway and parking issues**
- 5. Other issues**

1. Policy, planning history and principal of development

Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Although the application has been submitted on a retrospective basis is not considered to be material to determination of the application and the application should be considered on its merits.

The site is located within the settlement of Crediton where policy COR15 seeks for the town to continue to develop as a small market town by increasing the self-sufficiency of the town and its area and reduce the need to travel to Exeter by widening and expanding employment opportunities, enhancing retail provision and improving access to housing and services.

The application was submitted following discussions with the Council's Enforcement Team. The submitted planning statement sets out that the application was submitted as a retrospective application for variations to approved development 03/00835/FULL. Application 03/00835/FULL related to the previous bungalow that existed on the site and granted consent in 2003 for the erection of single and two storey extensions to north and east elevations and verandah to west elevation and retention of boundary wall. The applicant's case is that the 2003 consent was implemented within the 5 year timeframe and they considered that they were continuing with the lawful implementation of that scheme. It is stated that the description of development at that time did not reflect the scope of development approved by the plans which actually show a comprehensive redevelopment to create a 4 bedroomed, two storey dwelling.

It is understood from the drawings available in relation to the 2003 application, that the bungalow that existed on the site had an almost square shape foot print apart from a modest porch projection to the front. It provided a kitchen, lounge, bathroom and two bedrooms. It is understood to have been constructed with brick and a tile roof.

The approved plans (03/00835/FULL) demonstrate that the scheme that could have been achieved under that consent resulted in an enlarged footprint and increase in height to provide accommodation over two levels, it also included the installation of dormer and bay window features. At ground floor level it would have provided an enlarged kitchen breakfast room, utility, lounge, gym, shower room and study. At first floor level it would have provided four bedrooms, an en-suite and a bathroom. The proposed material palette comprised brick and render walling, tiled roof and white uPVC windows.

In 2014, consent for three dwellings was granted on the site. It is understood that this consent has been implemented but has not been built out.

The applicant has explained that the works under the 2003 consent were partially implemented and they had intended to complete the works under that consent. In May 2019 a non-material amendment application was submitted which sought some variations to the plans approved under 03/00835/FULL, the variations were not considered to be non-material and therefore this application has been submitted to seek to regularise the development.

In principle it is considered that the provision of a new dwelling on the site, replacing the previous bungalow, would be supportable in this location.

2. Design, impact on heritage assets

In terms of the design of development, DM14 (Design of housing) and DM2 (High quality design) are applicable.

Policy DM2 requires designs of new development to be of high quality based upon and demonstrating the following principles:

- g) Clear understanding of the characteristics of the site, its wider context and the surrounding area;
- h) Efficient and effective use of the site having regard to criterion (a);
- i) Positive contribution to local character including any heritage or biodiversity assets and the setting of heritage assets;
- j) Creation of safe and accessible places that also encourage sustainable modes of travel such as walking and cycling;
- k) Visually attractive places that are well integrated with surrounding buildings, streets and landscapes, and do not have an unacceptable adverse effect on the privacy and amenity of the proposed or neighbouring properties and uses, taking account of;
 - v) Architecture
 - vi) Siting, layout, scale and massing
 - vii) Orientation and fenestration
 - viii) Materials, landscaping and green infrastructure
- l) Appropriate drainage including sustainable drainage systems (SUDS) and connection of foul drainage to a mains sewer where available.

Policy DM14 outlines that 'New housing development should be designed to deliver;

- i) High quality local places taking into account physical context, local character, density and land use mix;
- j) Adequate levels of daylight, sunlight and privacy to private amenity spaces and principal windows;
- k) Suitable sized rooms and overall floorspace which allows for adequate storage and movement within the building together with external space for recycling, refuse and cycle storage;
- l) Adaptable dwellings that can accommodate a range of occupiers and their changing needs over time which will include the provision of a stairway suitable for stair lift installation or space for the provision of a lift in homes with more than one store;
- m) Private amenity space that reflects the size, location, floorspace and orientation of the property;
- n) Sustainable forms of development that maximise the natural benefits of the site through design, materials, technology and orientation;
- o) On sites of 10 houses or more the provision of 20% of dwellings built to the lifetime homes standard;
- p) Car parking in accordance with policy DM8.

Section 72 of the Town and Country Planning Act (1990) requires that special attention be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area. Section 66 requires local planning authorities to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Policy DM27 (LP3) requires development

proposals likely to affect heritage assets and their settings to consider their significance, character, setting and local distinctiveness, and the opportunities to enhance them. Where proposals would lead to less than substantial harm, that harm will be weighed against any public benefit, including securing optimum viable use. The site is located within the Crediton Conservation Area. There are listed buildings located at Buller Square, north east of the site and 3 Mill Street, opposite the access point at the west of the site.

The design as sought for approval is for a two storey (with loft space) 4 bedroom dwelling with dormer window and bay window features. The design is considered to reflect the general design approach approved within the 2003 scheme, albeit with some alterations. The main alterations include amendments to the fenestration arrangement (including the addition of two roof lights to the west elevation, replacement of two ground floor windows on north elevation with one glazed double door opening, replacement of a window to east elevation with a glazed door opening and installation of three roof lights, installation of additional windows to south elevation), alterations to the internal layout and the addition of a chimney to the north elevation. The most significant alteration from the previously approved scheme relates to the increased height of the single storey extension to the north to increase it to provide accommodation at first floor level, this includes the provision of a large roof light to the west elevation and an additional bay window to the rear (east elevation).

There are some concerns that the design and materials are not entirely sympathetic to the character of the conservation area. This concern has been raised by the Conservation Officer, the full comments being set out above. Notwithstanding this, the planning history, including the scope of the scheme approved under the 2003 consent, are considered to be a material consideration. The alterations proposed to that scheme are considered to be relatively minor and generally in keeping with the character and appearance of the previously approved scheme. Whilst it is recognised that the roof lights result in interventions to the roof scape that causes some harm to the character and appearance of the conservation area, the level of harm is considered to be low, particularly having regard to the alterations that could have been achieved under permitted development. The material palette largely reflects the structure that previously existed on the site, whilst the roof is now more prominent within the wider street scene as a result of the increased height of the dwelling and the 'new' appearance of the tiles which are likely to soften in appearance when weathered. There is a varying material palette within the immediate area including brick and render walling, slate and tile roofs and timber and uPVC windows. On this basis it is not considered that the material palette is unacceptable or incongruous in this setting. Having regard to the design of the scheme previously approved under the 2003 consent and the scope of the proposed alterations, overall it is considered that the design is acceptable and the proposed development is considered to result in less than substantial harm to the character and appearance of the conservation area and the setting of the listed buildings nearby to the site.

The application has been called in to consider whether the proposal represents over development of the site. Whilst the proposal seeks consent for the erection of a dwelling on the site which is larger than the modest bungalow that previously existed, the proposal is for a single dwelling within a relatively large site area. The site would enable a relatively generous external area, including parking and garden space, to be retained for the benefit of the dwelling and the level of amenity space is considered to be appropriate for a dwelling of this size, particularly within this urban context having regard to the density of properties surrounding the site. Furthermore, it is noted that consent has previously been granted for the erection of three dwellings on the site.

3. Impact on the amenity of neighbouring occupiers

The property is detached and sits in a relatively large plot, notwithstanding this there are neighbouring residential properties surrounding the site. There are a number of residential properties to the north and north west of the site, by virtue of the existing land levels the site sits in an elevated position in relation to those properties. As such there are some relatively open views between the site and the rear parts of those properties including their garden areas. The revised design for which consent is now sought, proposes to replace two ground floor windows with a glazed double door opening to serve the lounge. Whilst this would offer views to the north, the dwelling is set back from the boundary by approximately 12m and it is not considered that the proposal results in an unacceptable relationship with the neighbouring properties particularly having regard to the screening which would be afforded by the proposed boundary hedgerow and the tree planting proposed directly north of the dwelling. Similarly it is considered that the additional accommodation and associated roof lights within the west elevation would not result in an unacceptable relationship with the neighbouring properties. Although the dwelling sits at an elevated level it is set back from the boundary and there is sufficient separation distance such that it is not considered to be overbearing despite the increased height at the northern elevation.

The neighbouring property which shares the access road is located to the south of the site. There is a substantial intervening hedgerow which provides screening between the two properties. This scheme seeks to replace a ground floor door with a window, move a first floor bedroom window and install a window within the loft. It is not considered that the proposal would result in any significant adverse impacts to the amenities of those occupiers, particularly having regard to the previously approved scheme.

Concerns have also been raised by the occupiers of the property located to the north west of the site on the other side of Downeshead Lane. The concerns are that the development is visible from all the rooms in their house and their garden which is now overlooked. Whilst it is recognised that there are now relatively open views between the site and that property, having regard to the separation distance it is not considered that the relationship between the properties would be unacceptable.

Overall, having regard to the separation distance to the surrounding properties it is not considered that the proposed development would result in harm to the amenities of neighbouring occupiers in terms of loss of light or overshadowing. Overall, the likely impact to the amenity of neighbouring properties is considered to be acceptable having regard to the previously approved scheme on the site, the separation distances to the neighbouring properties and the design, orientation and scale of the proposed development.

4. Highway and parking issues

It is proposed that the existing concrete driveway would be retained to serve the dwelling. The block plan demonstrates that there would be a parking area provided to the front of the dwelling which would provide sufficient room for parking and turning in accordance with policy DM8 and these facilities would prevent conflict with the traffic accessing the neighbouring site. It is not considered that the proposed development would result in any significant increase in traffic that would raise concerns in terms of highway safety or capacity issues.

5. Other issues

Some trees have been removed from the site during the course of the works. The applicant has submitted a letter containing a tree protection plan and arboricultural method statement, dated 13th December 2017, and originally submitted to discharge condition 10 of the 2014 permission for the

erection of three dwellings on the site. In accordance with the 2014 consent a number of trees were agreed to be removed from the site. In addition, a further plan has been provided to clarify that two trees were removed from the front of the site as they were causing damage to the neighbours outbuilding. The holly bush in the north east corner of the site was also removed as it is stated that it was in a poor condition and damaging the subterranean building on Downeshead Lane. The trees are located in the Crediton Conservation Area and therefore it is likely that a notification in accordance with section 211 of the Town and Country Planning Act 1990 would have been required. It is also understood that there was an overgrown Leylandii hedge to the northern boundary of the site which was removed. The submitted landscaping plan indicates that much of the site would be laid to lawn, with borders in wild grasses. It is proposed to provide a replacement hedgerow to the northern boundary of the site which will be of mixed native species to be retained at a height of no more than 2m. It is also proposed to provide additional/ replacement tree planting including 2 Corkscrew Hazel trees at the front of the site, two weeping cherry trees to the north west of the dwelling, 3 silver birch directly north of the dwelling and an ornamental cherry to the north east. The proposed landscaping will help to soften the impact of the development and help to mitigate for the loss of trees which has taken place. The additional planting will provide a positive contribution to the character and appearance of the conservation area and a condition is proposed to secure the proposed planting.

The proposal seeks to remove the existing garage which serves the property. The garage is part of a double garage with the adjoining part belonging to the neighbouring property. The garage is a flat roof structure of brick construction, sited forward of the dwelling. The building is of no particular architectural or historic merit and there are no concerns with its partial removal in terms of the impact to the street scene or the character or appearance of the conservation area. The owner of the adjoining garage has raised concern with regard to how part of the structure will be demolished without adverse impact to the structural capability of the adjoining part of the building which is proposed to remain. The applicant has confirmed that the internal wall will be left in place and faced in brick, the roof and eaves will be made good. The developer will need to ensure compliance with other appropriate regimes including the party wall act and it is not considered that these matters are relevant to determination of the planning application.

The applicants have not submitted an ecological appraisal in respect of the works. They consider that the garage is a contemporary structure with a solid roof structure with no access for wildlife. The Local Planning Authority has previously granted consent for the erection of the demolition of the garage without benefit of an ecological appraisal. At this time the Local Planning Authority has no evidence to confirm that the building provides a suitable habitat for protected species, and in light of the history of the site it is not considered reasonable or necessary to require an ecology appraisal at this stage, however the applicant will be reminded of their duty in respect of protected species and habitats by way of an advisory note.

The comments of Public Health are noted, however given that the works on site are largely complete and no concerns have been raised in relation to the timing of the works it is not considered reasonable or necessary to limit working hours in this instance.

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.

REASON FOR APPROVAL OF PERMISSION

The application for the erection of a dwelling including demolition of a garage is considered to be supportable in policy terms. Having regard to the development previously approved on the site and the scope of the proposed alterations, overall it is considered that the design is acceptable and the proposed development is considered to result in less than substantial harm to the character and appearance of the conservation area and the setting of the listed buildings nearby to the site. In this instance, the public benefits associated with the provision of a new build 4 bedroom dwelling replacing the previous structure on the site, is considered on balance to outweigh the harm arising to the heritage assets. The likely impact to the amenity of neighbouring properties is considered to be acceptable having regard to the separation distances to the neighbouring properties and the design, orientation and scale of the proposed development. The proposal does not raise any concerns in terms of highway safety or capacity issues and the proposed parking is compliant with policy DM8. Having regard to all material planning considerations, the application is recommended for approval in accordance with policies COR2 and COR15 of the Mid Devon Core Strategy, DM1, DM2, DM8, DM14 and DM27 of the Local Plan part 3 (Development Management Policies) and the NPPF.

CONDITIONS

1. The commencement of the development shall be taken as 14th August 2019, the date the application was registered.
2. The development hereby permitted shall be carried out in accordance the approved plans listed in the schedule on the decision notice.
3. The proposed hedgerow and tree planting shall be carried out in accordance with the details shown on drawing number IW 719/07 (received by the Local Planning Authority on 3rd December 2019) within 9 months of the first occupation of the dwelling. Any species 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.
4. The hedgerow as shown on drawing number IW 719/07 (received by the Local Planning Authority on 3rd December 2019), once established, shall be retained at a minimum height of 1m above the adjoining ground level and no higher than 2m.
5. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended)(or any Order revoking and re-enacting that Order with or without modification) no development of the types referred to in Classes A, B, C, D or E of Part 1 of Schedule 2, relating to extensions, additions and alterations to the roof, porches and outbuildings, shall be undertaken without the Local Planning Authority first granting planning permission.

REASONS FOR CONDITIONS

1. To provide a legal commencement date for the development.
2. For the avoidance of doubt and in the interests of proper planning.
3. In the interests of the visual amenity of the area and to safeguard the character and appearance of the Crediton Conservation Area in accordance with policies DM2 and DM27 of the Local Plan part 3 (Development Management Policies).
4. In the interests of the visual amenity of the area and to safeguard the character and appearance of the Crediton Conservation Area and the amenity of neighbouring occupiers in accordance with policies DM2 and DM27 of the Local Plan part 3 (Development Management Policies).
5. To safeguard the character and appearance of the Crediton Conservation Area in accordance with policies DM2 and DM27 of the Mid Devon Local Plan part 3 (Development Management Policies).

INFORMATIVES

None

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.