

PLANNING COMMITTEE AGENDA - 23rd September 2020

Applications of a non-delegated nature

<u>Item No.</u>	Description
01.	19/01932/FULL - Retention of conversion and change of use of part of shop into 1 ground floor flat (Revised Scheme) at Preston House, Bow, Devon. RECOMMENDATION Grant Approval subject to conditions and Air Quality S106 letter/unilateral
02.	19/01933/FULL - Retention of conversion of first floor flat into two flats at Preston House, Bow, Devon. RECOMMENDATION Grant Approval subject to conditions and Air Quality S106 letter/unilateral

Application No. 19/01932/FULL

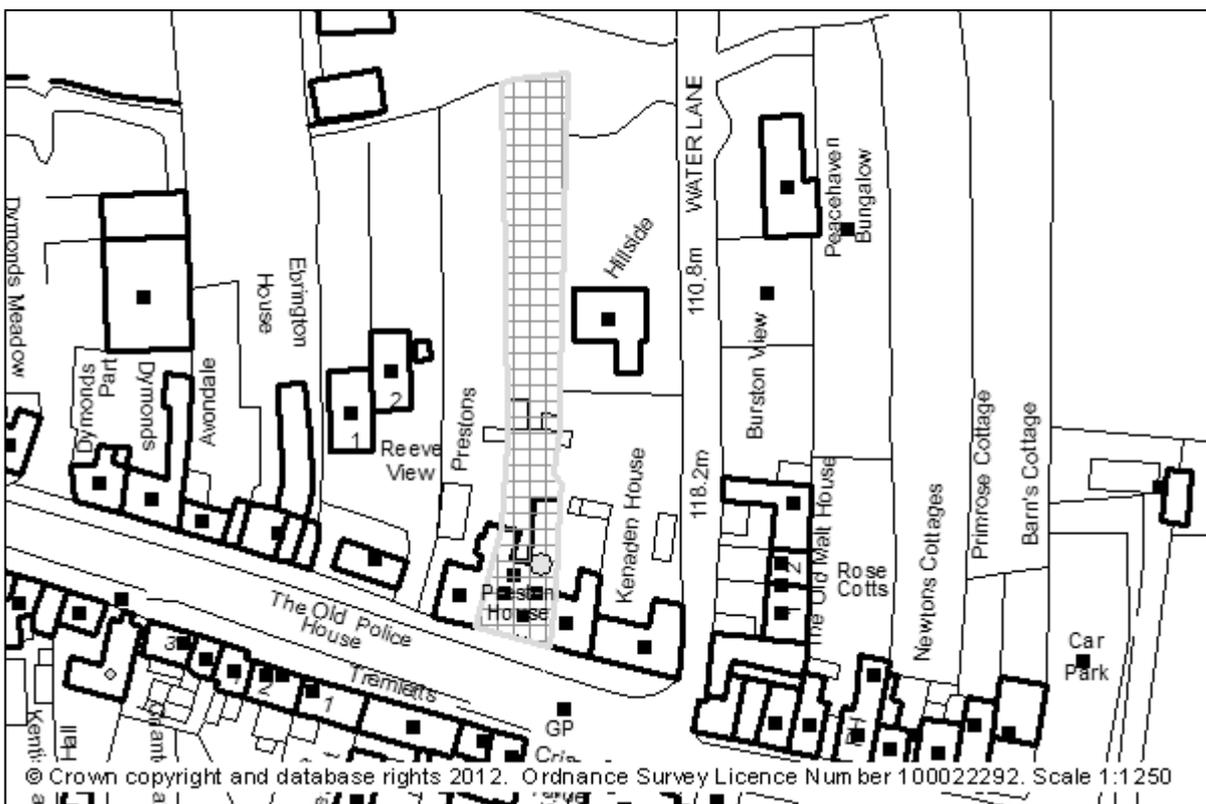
Grid Ref: 272187 : 101753

Applicant: Mr Brian Rosser

Location: Preston House
Bow
Devon

Proposal: Retention of conversion and change of use of shop into 1 ground floor flat (Revised Scheme)

Date Valid: 4th December 2019



APPLICATION NO: 19/01932/FULL

MEMBER CALL-IN

This planning application has been called in by Councillor White in order to consider:

1. The planning history of the site (1)

Several planning applications have been previously refused on the site.

2. The planning history of the site (2)

Work has taken place at the site despite planning permission refusals. No planning application should be approved until the rectifications have been made that the council require.

3. Access and provision of infrastructure for the site

An application to develop 3 flats would produce 3 extra cars on an already full and narrow street. Even if parking is not provided as a part of the application, the residents of the flats would be able to park on the street. This will put undue burdens on an already overcrowded street; often no parking can be found when residents return from work.

4. The views of organisations in relation to planning matters

The parish council have repeatedly called for the application to be refused. As representatives of the local community, then their refusal should be given due weight.

RECOMMENDATION

Grant permission subject to conditions and the signing of a Unilateral Undertaking to secure a financial contribution towards Air Quality mitigation in Credenon.

PROPOSED DEVELOPMENT

The applicant seeks planning permission for the retention of conversion and change of use of part of the shop into 1 ground floor flat (Revised Scheme) at Preston House, Bow

The initial submission was for the conversion and change of use of the shop into 2 ground floor flats with the proposals showing the creation of two one bedroom flats, each with a self-contained access. However, plans were amended to retain the shop with storage to occur within the basement area below. Therefore the proposed development to be considered under this planning application is for the creation of one new two bedroom flat.

This application was submitted in tandem with application 19/01933/FULL, which is for the retention of conversion of the first floor flat into two flats. The existing four bedroom flat in this instance has been converted into 2 two bedroom flats. At Preston House, in addition to the existing flat at first floor, which has been converted into 2 flats, there is an existing basement flat to the rear. Therefore, two flats exist within Preston House in addition to the existing shop with the proposals representing the creation of two additional flats through these two applications submitted.

Beside and to the rear of the basement flat, a parking area has been created which has resulted in a raised platform area. The existing garage to the side of Preston House was removed to create a vehicle access leading to this rear parking area with the initial plan submitted showing parking for 4 vehicles, where originally there was no on site parking available.

This planning application follows the refusal of planning application 18/00571/FULL in 2018 which was for the conversion and change of use of shop into 2 ground floor flats where the application submitted included car parking at the rear with a new vehicular access, which is proposed through an existing garage door type opening which would form access to the rear directly adjacent to the neighbouring property. The point of access into the site and the car parking area was formed by the current owner without the benefit any consent/permission as issued by either the local planning and/or highway authority.

Planning application 18/00571/FULL was refused on the grounds that the proposed car parking facilities and means of access are considered unacceptable this application and the applicant was advised that this still remained the case. Therefore given these concerns remain to the access and parking area created, the applicant has submitted revised plans to show the removal of the parking area and the access closed to vehicles, only allowing for pedestrian access. Therefore no on site parking would be provided with the case made that the site is within a sustainable location with a public bus stop directly outside and that if private transport was required by an occupier, parking is available on the roadside.

In terms of external works proposed, the shop front refurbishment involves the replacement of the second door with new window and the new pedestrian access would be formed through a planter /bollard.

APPLICANT'S SUPPORTING INFORMATION

Completed application form, plans and site photographs

RELEVANT PLANNING HISTORY

90/02083/FULL - PERMIT date 17th December 1990
Erection of new shop front and shop alterations

18/00570/OUT - REFUSE date 11th June 2018
Outline for the erection of a single storey dwelling

18/00571/FULL - REFUSE date 15th August 2018
Conversion and change of use of shop into 2 ground floor flats

DEVELOPMENT PLAN POLICIES

Mid Devon Local Plan Review 2013 – 2033

S1 - Sustainable development priorities
S2 - Amount and distribution of development
S3 - Meeting housing needs
S8 - Infrastructure
S9 - Environment
S12 - Crediton
S13 - Villages
CRE11 - Crediton Infrastructure
DM1 - High quality design
DM3 - Transport and air quality
DM4 - Pollution
DM5 – Parking

DM23 - Community facilities
DM25 - Heritage Assets

National Planning Policy Framework ("the NPPF")

CONSULTATIONS

Bow Parish Council – 17th August 2020

The above numbered application, with Revised Drawings, was duly considered by the Members at a special Planning meeting of Bow Parish Council held virtually earlier this evening. A major concern is that the Applicant proceeded with development works without planning consent, apparently also without recourse to Building Regulations or inspection and apparently without any Planning Authority advice. Bow Parish Councillors feel strongly that any building works should not adversely affect neighbouring properties: the Applicant has already carried out much, if not all, of the work, including substantial works in the garden, to the rear of the property, to create the sizeable parking area which had been associated with the development and had formed part of this application. That work involved a substantial quantity of earth being excavated, without retaining walls constructed and without proper drainage installed, thereby having a detrimental effect on neighbouring properties. Parish Council is firmly of the opinion that work carried out which is detrimental to neighbouring properties needs to be rectified before any Planning application can be considered. Bow Parish Council feels that this situation needs to be referred to the Enforcement officer. Converting the property into multiple units of accommodation represents over-development of the site and is deemed unacceptable. There is neither spare on-street parking capacity in Bow nor spare capacity at the small village car park. Bow Parish Council remains unanimously opposed to this application for all the aforementioned reasons and urges that it be Refused.

Bow Parish Council - 18th May 2020

The above numbered application was duly considered by the Members at the first virtual meeting, held via Zoom, of Bow Parish Council, which was held earlier this evening. Bow Parish Council is unanimous in its opposition to the application. The creation of parking to the rear of the property is unacceptable, for reasons rehearsed in previous responses to this application and 19/01933/FULL, and there isn't capacity for any additional on-street parking in the centre of Bow village. Nor is there any spare parking capacity in the small car park to the east of the A3072's junction with Station Road and Water Lane. The dearth of parking in the main street for Bow residents has long been recognised - any development would simply further aggravate that situation. As Preston House was built as one property, forming part of a terrace in a village centre location, it is not felt viable for it to be split into multiple units of occupation when lacking the necessary accompanying amenities. Bow Parish Council recommends Refusal.

Bow Parish Council - 8th April 2020

The Revised and Additional Drawings in respect of the above numbered application have been duly considered by the Members of Bow Parish Council. Following electronic (given the ongoing coronavirus situation) consultation, Bow Parish Council remains opposed to the application. Please refer to Bow Parish Council's letter of objection dated 21 January 2020.

Bow Parish Council – 21 January 2020

At the meeting of Bow Parish Council held on 8 January 2020 Parish Councillors heard significant concerns from local residents regarding the above numbered planning application, which is coupled with Planning Application no.19/01933/FULL. Parish Councillors and local residents requested a site meeting with the Planning officer (Mr Devereaux) which was duly arranged and held yesterday, 20 January 2020.

Preston House is central, inside Bow's Conservation Area, on the heavily trafficked A3072 close to the sub-standard junctions with Station Road and Water Lane.

Bow parish Council would regret the loss of the last remaining shop in Bow village, including the potential for a shop at that prime central location, at some point in the future.

The two applications, if granted consent, would result in Preston House comprising five units of accommodation (flats), which is considered to be over-development of the site.

A major objection is the proposed access, already created by the applicant via the narrow covered former storage area of the building, and the parking (for nine spaces) arrangement to the rear of the property, also already created by the applicant, in the rear garden of the property. (The application asserts that parking to the rear of the property already existed, however Bow Parish Council affirms that no such parking to the rear has previously existed). In terms of highway safety, the proposed access to the parking area is deemed unacceptable; access to and exit from the area involves crossing over a busy section of pavement, which is particularly well-used by children, adjacent to designated on-street parking, a bus shelter and a bus stop. Visibility, for drivers of vehicles exiting the parking area, is greatly reduced and is inadequate.

Whether works already carried out at the site has the benefit of Building Regulations is questioned.

The lack of parking in Bow's main street is an issue – if consent is granted for additional units of accommodation current parking issues would inevitably be exacerbated given that some future residents of the property would likely opt to on-street park, instead of using the proposed arrangement.

For the aforementioned reasons Bow Parish Council urges that this application be refused.

Highways Authority – 24th August 2020

On the basis of a proposal of two flats with no parking arrangements, with the location next to a bus stop, the Highway Authority would have no objections.

Highways Authority - 16th July 2020

The County Highway Authority will make observations on the two applications 19/01932/FULL and 19/01933/FULL. The site is accessed off the A3072 County Route which is restricted to 30 MPH. The number of personal injury collisions which have been reported to the police in this area between 01/01/2015 and 31/12/2019 is none.

The two proposals will be 4 flats and the retention of the shop, with a proposal of 4 parking spaces at the rear, using the side access as the access to the parking spaces. The Drawings submitted number SO/1807/30 does not show conclusively how the vehicles will be able to turn within the area and leave the access onto the A3072 in a forward gear. This drawing also does not show the

lengths of the visibility splays to ensure this is a safe and suitable access. Therefore the County Highway Authority would recommend refusal on inadequacy of information.

Recommendation:

The Head of Planning, Transportation and Environment, on behalf of Devon County Council, as Local Highway Authority, is likely to recommend refusal of planning permission, in the absence of further information.

1. Adequate information has not been submitted to satisfy the Local Planning Authority that the proposal is acceptable in terms of access, visibility splays, off-street parking, and on site turning facilities contrary of the National Planning Policy Framework

Highways Authority – 17th December 2019

Standing advice applies please see Devon County Council document

<https://www.devon.gov.uk/planning/apply-for-planning-permission/get-help-with-an-application/guidance-for-applicants>

Public Health:

Contaminated Land: No objection to this proposal. (05.12.19).

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. (05.12.19).

Noise & other nuisances: No objection to this proposal. (05.12.19).

Housing Standards: The bedroom of flat 5 remains an inner room so the window in the bedroom will need to be a suitable escape window. (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.

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. (05.12.19).

Conservation Officer – 18th August 2020

This is very good news that they are proposing to retain the shop space in addition to the shop front – this is very sensible with the need for more local shops in the current circumstances and I don't understand why they did not propose this in the first place?

The shop front refurbishment and replacement of second door with new window all looks fine as does the new pedestrian access and planter /bollard subject to details of windows including sections and of planter /bollard.

My only other comment is that the shop is very small floor space (not much bigger than the bedroom and en-suite adjoining it) and appears to have no storage facility. I would prefer to see the ground floor flat as 1 bed and to lose the bedroom to the back of the shop to be incorporated into the shop area.

REPRESENTATIONS

Two letters of objection have been received. The objections are summarised as follows:

1. 5 flats would represent overdevelopment
2. The change of use of the garden to parking is not in keeping with the village environment and limits wildlife
3. There is no existing parking, although access and a parking area has been created by the developer, which is currently unauthorised. This access is directly onto the A3072, adjacent to a bus stop and the main crossing point for pedestrians on the school run. The road can be very busy with HGV traffic. It is also the QE School bus stop and the access would pose a danger to people using the bus stop.
4. The proposed car park access is adjacent to the main pedestrian crossing point on the A3072 which is already a busy road and this would add to the dangers of people trying to cross the road, in particular parents taking their children to and from Bow school.
5. The previous application 18/00571/FULL was refused on the 15th August 2018.
6. The creation of 2 ground floor flats, 2 on the first floor and 1 existing to the rear could potentially mean that 5 families would be living on the site. There is already very limited parking within the village.
7. The proposed development has the potential for over five cars to be linked to the property which will add to the current village parking
8. We do understand that the developer has to do something with the empty shop space, so we would be in agreement for planning for a total of 3 flats (1 on each floor). We would also like to see the rear of the property to be reinstated into a communal garden area for the occupant's to enjoy. We feel that this would be more in keeping within the village environment.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The application site relates to Preston House and part of the garden curtilage which has in part been converted from a landscaped garden into a parking area with an access created through an opening from the A3072. The initial submission was for this new vehicle access and parking area to serve the proposed flats but following concerns of highway safety in terms of proximity to a bus stop, visibility splays achieved at the entrance and space for manoeuvring on site, revised plans have been received showing the closure of the access created for vehicles, only allowing for pedestrian access with no on site parking, with the area created being used for amenity space by occupiers of the development.

The main determining factors in this application are:

- 1) Policy considerations;
- 2) Impact on Character and Heritage Assets
- 3) Amenity for future residents / Impact on neighbours;
- 4) Highway safety/ Movement and parking issues;

- 5) S106 obligations;
- 6) Other considerations
- 7) Summary & Planning Balance.

1. Policy considerations

S.38[6] of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The National Planning Policy Framework is noted as one such material consideration. The National Planning Policy Framework outlines three dependant objectives of sustainable development; economic, social and environmental.

The National Planning Policy Framework (2019) outlines that development should be guided towards the most sustainable locations available, including previously developed or underused land in settlements. Policy S1 states that development will be concentrated at Tiverton, Cullompton, and Crediton. Policy S13 (Villages) which recognises Bow states that development will be limited to proposals within their defined settlement limits and to allocations for:

- a) Small scale housing, employment, tourism and leisure;
- b) Services and facilities serving the locality; and
- c) Other limited development which enhances community vitality or meets a local social or economic need.

The site is located within the settlement boundary of Bow and within the boundary of the village conservation area where small scale residential proposals could be considered acceptable in principle in accordance with policy S13. In addition consideration needs to be given to the requirements of policy DM23. The ground floor of Preston House has historically accommodated a village shop and the original proposal submitted was to convert the entire shop area on the ground floor into two flats but the proposal has been amended to retain the shop but convert the rear area into a single two bedroom flat. Therefore the existing community facility would be retained.

The original submission proposed would have resulted in the loss of the shop facility and created two residential units which in addition to the proposal submitted under planning application 19/01933/FULL for the retention of the change of use of the first floor flat into two flats, would have resulted in the creation of five residential units on site. The proposal has been revised so that the shop is retained with the proposal allowing for four residential units within the property, a net increase of two with one additional flat created under each planning application submitted.

On the basis that the proposals relate to previously developed land within the development limits of Bow, in light of the policy context discussed above, is considered that the creation of residential units would be acceptable in principle.

2. Impact on Character and Heritage Assets

Policy DM1 of the Mid Devon 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 DM25 refers to the importance of heritage assets and their settings, and includes criteria for their preservation and enhancement.

The application building is located within the Bow Conservation Area and 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 proposal would involve the conversion of the existing building where most of the changes would occur internally, although there would be some external changes to the frontage of the site with the shop front and new planter/bollard. The Conservation Officer has raised no objections only requesting planning conditions to agree to the final window details and planted/bollard to be installed. Refuse storage would need to be located within the site but it is considered that there is ample space within the grounds for bins and space within the flats to provide bicycle storage.

The Parish Council and neighbouring occupiers have objected to the proposal on the grounds that it would result in an over-development of the site and amount to poor design, with unauthorised work having been carried out. As reported upon earlier, the proposals have been revised so that the proposal under this application is only to create an additional flat with a separate planning application having been submitted under 19/01933/FULL for the retention on the first floor of the two flats created from the single flat. Therefore the total number of residential units would be four. Each of the proposed units would provide a sufficient amount of internal living space meeting technical standards and, given the location, amenity areas, along with adequate refuse and bicycle storage which could be provided, it is therefore considered that the proposal would not result in an over-development of the site.

Given the modest changes proposed to the external appearance of the main building and the site, it is considered that there would not be any harm to the conservation area. The closure of the vehicular access created through a bollard/planter and the renovation of the remainder of the building, would serve to enhance the character and appearance of the conservation area. A condition is proposed to be imposed requiring the approval of window details and the bollard/planter which would ensure that the public facing parts of the building, in particular, would retain their existing character and continue to contribute positively to the character of the area. A condition is also proposed to secure the approval of a scheme of hard and soft landscaping to the rear.

As the proposed residential units would be flats, there would be no permitted development rights allowing for changes in the future without formal planning permission being obtained. Subject to the use of these conditions referred to above, the proposal is considered to be in accordance with Policies DM1 and DM25 of the Mid Devon Local Plan Review 2013-2033.

3. Amenity for future residents / Impact on neighbours

Policy DM1 of the Mid Devon Local Plan Review 2013-2033 states that proposals should not result in unacceptable impacts on the privacy and amenities of those occupying existing or proposed dwellings and 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 DM4 of the Mid Devon Local Plan Review 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 development (including that under planning application 19/01933/FULL) would result in the provision of 4 flats in the building with the retention of the shop. In terms of bedrooms, an existing four bedroom flat would be replaced by 2 two bedroom flats and the flat created to the rear of the shop would have two bedrooms. Existing window openings would be used and as a result it is not considered that the proposals would result in significant overlooking of neighbouring properties.

The proposals would provide adequate amounts of internal living space to serve future occupiers with each of the proposed units meeting with National Space Standards.

Most concerns raised by neighbours appears to relate to the unauthorised works that have been undertaken to the side and rear of the property to create an access and parking area. With the planning application which was refused, consideration was given to the extent of hardscape that has been created to form an access and parking area and that additional area for further parking lower down in the site. This part of the development was considered to result in an intrusive and dominant arrangement in the rear garden detrimentally impacting neighbouring occupier's amenity in terms of how it would affect the enjoyment of their garden areas and in visual impact terms generally.

However, as commented earlier in this report, plans have been revised to remove the vehicle access created and that of the parking area, with it to become an amenity area. Therefore this would remove traffic movement from vehicles deep into the site which would have impacted on neighbour's amenity given their proximity to this traffic and associated noise and other disturbances. The remaining issue is considered to relate to the raised parking area created which results in a viewing platform which could allow overlooking of a neighbouring property. Therefore a condition is recommended for this area to become an area of amenity for occupiers of the development with details provided either to show levels reduced back down to the original ground levels or for the approval of privacy screens around this area. On this basis the application would not be considered to be in conflict with the policies in the Mid Devon Local Plan Review 2013-2033 (S9, DM1 & DM25).

4. Highway safety and parking

The access arrangements and on site parking as proposed originally were considered unacceptable in highway safety terms given the limited visibility that would be available for drivers of vehicles exiting the site and the proposed location at a very busy point on the A3072 which carries heavy levels of vehicular and also pedestrian traffic, and the requirement for passage over a busy/significant section of the footway and a protected on-street parking bay. Following on, if the proposed access arrangements are considered unacceptable the proposed car parking arrangements are also considered unacceptable.

Policy DM1 of the Mid Devon Local Plan Review states that new development should be safe and accessible based upon and demonstrating the principle of creation of safe and accessible places that also encourage and enable sustainable modes of travel such as walking and cycling. Policy DM5 states that sufficient vehicle parking and bicycle storage must be provided.

The revised proposal would now not provide any off-street parking spaces and one of the concerns raised by the Ward Member and Parish Council relates to the available street parking in the area, and the limited nature of local public car parks. The parking requirement for a residential unit is 1.7 spaces so this application including that of the proposal under application 19/01933/FULL would require 4 spaces to be provided.

The Highway Authority has considered the submitted information and are satisfied that the lack of on site parking in this location would not be unacceptable, noting that the site is in a sustainable location with a main public bus stop located straight outside of the premises with a number of facilities/services within walking distance. An enquiry was made as to whether a parking survey would be required but the Local Highway Authority said that they did not believe this would be required on the basis of the proposals and knowledge of the settlement, with the officer having visited Bow on a number of occasions and noting parking availability in the area. Whilst there are

parking restrictions on the main road running through Bow, it is noted that some of these do not apply after 6pm in the evening up until 8am in the morning where parking is possible.

In light of the above, the lack of on site parking is not considered to outweigh the other planning merits of the proposal which would be those of the creation of smaller residential units for the community, within a sustainable location close to public transport services. As the proposal is not considered to result in unacceptable harm to highway safety or amenity, it is in accordance with Policy DM1 of the Mid Devon Local Plan Review.

5. S106 obligations

Policies S12 (Credton) and CRE11 (Credton Infrastructure) outlines the requirements for the provision of an off-site financial contribution towards funding improvements which seek to address air quality within the Credton Air Quality Management Area. The Supplementary Planning Document (SPD) sets out the relevant contributions levels arising from new residential development as is the case with this application. In accordance with these policies and the relevant guidance in the supporting SPD on the provision and funding of Air Quality mitigation, a financial contribution of £ 4,434.00 would be required for each new residential unit created. The applicant has signalled their intent to agree to enter into a Unilateral Undertaking, to sign the deed and to make these payments.

The potential receipt of these monies is a positive aspect of the proposals with additional weight attributed to this consideration.

6. Other Considerations

The Council's Public Health officers have commented on the provision of suitable fire escape windows from some of the proposed rooms within the residential units to be created. As this is a Building Regulations matter, it has not been given any weight in the assessment of this application. An informative can be attached, should planning permission be granted, in relation to the potential presence of asbestos.

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.

7. Summary & Planning Balance

The application scheme was amended with the car parking and access arrangements to be removed from the proposed scheme of works and the affected area to be landscaped accordingly as garden space. The site is within a sustainable location close to public transport links and within walking distance to a number of community facilities/services. The proposal is considered acceptable, having regard to policies in the Mid Devon Local Plan Review 2013-2033 and all other material considerations, planning permission should therefore be granted, subject to the conditions detailed below and the completion of the unilateral undertaking legal agreements as discussed above.

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. Prior to the first use or occupation of the development hereby approved, refuse storage arrangements shall be provided in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority. The refuse storage arrangements shall thereafter be retained for the life of the development.
4. Prior to the installation of any new external doors or windows in the building, details of the door and window profile and sections shall be submitted to and approved in writing by the Local Planning Authority. The doors and windows shall therefore be installed and retained in accordance with these approved details thereafter.
5. Prior to the occupation of any part of the development hereby approved, details including a section drawing shall be submitted to and approved in writing by the Local Planning Authority for the bollard and planter shown on the approved plans. The approved details shall be thereafter installed prior to occupation of the development.
6. Prior to the first occupation of the development hereby approved, a scheme of hard/soft landscaping and boundary treatment including details for either the installation of a privacy screen around the raised amenity area (former car parking area to the rear of the basement flat) along the north and east sides or alternatively for the lowering of this raised land back down to original levels, shall be submitted to and approved in writing by the Local Planning Authority. All planting, seeding or turfing comprised within the approved scheme shall be carried out in the first planting season following the completion of the development and any trees or plants, including existing specimens to be retained, which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next available planting season with others of a similar size and the same species. The approved hard landscaping and boundary treatments shall be provided within four weeks of the development being brought into use, and shall be retained for the life of the development. Any privacy screen implemented shall be retained for the life of the development.

REASONS FOR CONDITIONS

1. RD1 in accordance with provisions of Section 51 of the Planning and Compulsory Purchase Act 2004
2. RD7A for the avoidance of doubt in the interests of proper planning.
3. To ensure adequate facilities are provided for bin storage in accordance with policy DM1 of the Mid Devon Local Plan Review 2013-2033.
4. To ensure the use of materials and detailing appropriate to the development, in order to safeguard the character and appearance of the conservation area in accordance with policy DM25 of the Mid Devon Local Plan Review 2013-2033.

5. In order to safeguard the appearance of the building and character of the Conservation Area in accordance with policies DM1 and DM25 of the Mid Devon Local Plan Review 2013-2033.
6. To ensure that the development makes a positive contribution to the character and amenity of the area and to ensure adequate standards of living accommodation and impacts on neighbouring amenity, in accordance with policy DM1 of the Mid Devon Local Plan Review 2013-2033.

INFORMATIVES

1. 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.
2. 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.
3. The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. If bats are found, works must immediately cease and further advice be obtained from Natural England and / or a licensed bat consultant. Works must not resume until their advice has been followed. Nesting birds are also protected by law. During site clearance and construction works, suitable safeguards must be put in place to prevent threat of harm to legally protected species, including nesting birds and reptiles all of which are protected under the Wildlife & Countryside Act 1981 (as amended). Further details can be obtained from a suitably qualified and experienced ecological consultant, or please refer to published Natural England guidelines for protected species.

REASON FOR APPROVAL OF PLANNING PERMISSION

The proposal for the change of use of part of the ground floor shop to create a flat is acceptable in principle and, subject to conditions and the completion of a legal agreement, would not result in unacceptable harm in terms of the character of the area, heritage assets, local amenity, and highway safety. On balance, the standard of accommodation that can be achieved is considered acceptable, bearing in mind the contribution the proposal would make to meeting local housing needs and that it would result in the renovation of disused buildings which make a positive contribution to the character of the area. The proposal is also located in a central and sustainable location where a lower standard of amenity can be considered acceptable. The proposal is considered to be in accordance with Policies S1, S3, S9, S13, CRE11, DM1, DM3, DM4, DM23 and DM25 of the Mid Devon Local Plan Review 2013-2033.

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.

Statement of Positive Working

In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, in determining this application the Local Planning Authority has worked proactively and positively with the applicant to ensure that all relevant planning considerations have been properly resolved. This has included further discussion and submission of revised proposals to address issues raised by Consultees and the Planning Officer.

In accordance with the National Planning Policy Framework, the Local Planning Authority has also involved the community in the consideration of this application.

Application No. 19/01933/FULL

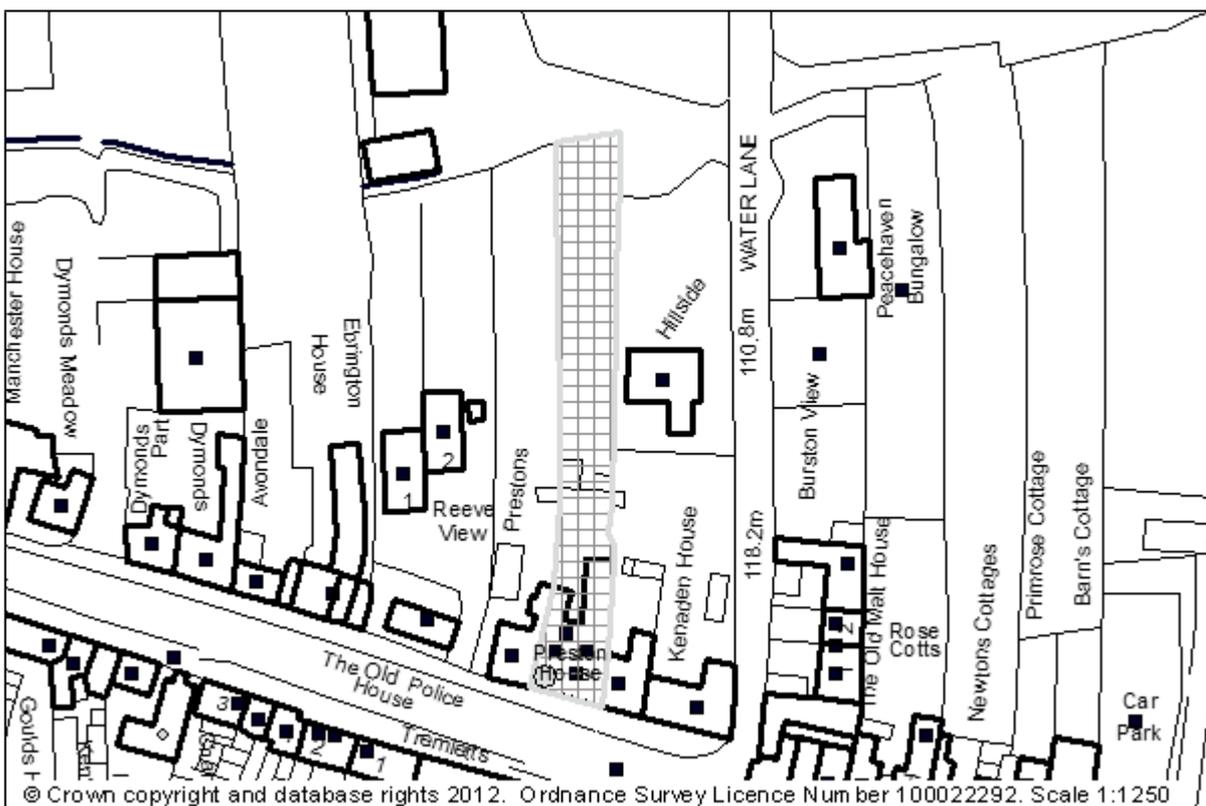
Grid Ref: 272187 : 101753

Applicant: Mr Brian Rosser

Location: Preston House
Bow
Devon

Proposal: Retention of conversion of first floor flat into two flats

Date Valid: 9th December 2019



APPLICATION NO: 19/01933/FULL

MEMBER CALL-IN

This planning application has been called in by Councillor White in order to consider:

1. The planning history of the site (1)

Several planning applications have been previously refused on the site.

2. The planning history of the site (2)

Work has taken place at the site despite planning permission refusals. No planning application should be approved until the rectifications have been made that the council require.

3. Access and provision of infrastructure for the site

An application to develop 3 flats would produce 3 extra cars on an already full and narrow street. Even if parking is not provided as a part of the application, the residents of the flats would be able to park on the street. This will put undue burdens on an already overcrowded street; often no parking can be found when residents return from work.

4. The views of organisations in relation to planning matters

The parish council have repeatedly called for the application to be refused. As representatives of the local community, then their refusal should be given due weight.

RECOMMENDATION

Grant permission subject to conditions and the signing of a Unilateral Undertaking to secure a financial contribution towards Air Quality mitigation in Crediton.

PROPOSED DEVELOPMENT

The applicant seeks planning permission for the retention of conversion of first floor flat into two flats at Preston House, Bow. The existing four bedroom first floor flat in this instance has been converted into 2 two bedroom flats. Access up to the first floor accommodation remains the same being from a staircase to the side of the building but with two entrances (one for each flat) instead of a single one.

This application was submitted in tandem with application 19/01932/FULL, which is for the retention of conversion and change of use of part of the shop into 1 ground floor flat. Therefore, two flats exist within Preston House in addition to the existing shop with the proposals representing the creation of two additional flats through these two applications submitted.

Beside and to the rear of the basement flat, a parking area has been created which has resulted in a raised platform area. The existing garage to the side of Preston House was removed to create a vehicle access leading to this rear parking area with the initial plan submitted showing parking for 4 vehicles, where originally there was no on site parking available.

This planning application follows the refusal of planning application 18/00571/FULL in 2018 which was for the conversion and change of use of shop into 2 ground floor flats where the application submitted included car parking at the rear with a new vehicular access, which is proposed through an existing garage door type opening which would form access to the rear directly adjacent to the neighbouring property. The point of access into the site and the car parking area was formed by

the current owner without the benefit any consent/permission as issued by either the local planning and/or highway authority.

Planning application 18/00571/FULL was refused on the grounds that the proposed car parking facilities and means of access are considered unacceptable this application and the applicant was advised that this still remained the case. Therefore given these concerns remain to the access and parking area created, the applicant has submitted revised plans to show the removal of the parking area and the access closed to vehicles through a planter /bollard being installed, only allowing for pedestrian access. Therefore no on site parking would be provided with the case made that the site is within a sustainable location with a public bus stop directly outside and that if private transport was required by an occupier, parking is available on the roadside.

APPLICANT'S SUPPORTING INFORMATION

Completed application form, plans and site photographs

RELEVANT PLANNING HISTORY

90/02083/FULL - PERMIT date 17th December 1990
Erection of new shop front and shop alterations

18/00570/OUT - REFUSE date 11th June 2018
Outline for the erection of a single storey dwelling

18/00571/FULL - REFUSE date 15th August 2018
Conversion and change of use of shop into 2 ground floor flats

DEVELOPMENT PLAN POLICIES

Mid Devon Local Plan Review 2013 – 2033

S1 - Sustainable development priorities
S2 - Amount and distribution of development
S3 - Meeting housing needs
S8 - Infrastructure
S9 - Environment
S12 - Crediton
S13 - Villages
CRE11 - Crediton Infrastructure
DM1 - High quality design
DM3 - Transport and air quality
DM4 - Pollution
DM5 – Parking
DM23 - Community facilities
DM25 - Heritage Assets

National Planning Policy Framework (“the NPPF”)

CONSULTATIONS

Bow Parish Council – 17th August 2020

The above numbered application, with Revised Drawings, was duly considered by the Members at a special Planning meeting of Bow Parish Council held virtually earlier this evening. A major concern is that the Applicant proceeded with development works without planning consent, apparently also without recourse to Building Regulations or inspection and apparently without any Planning Authority advice. Bow Parish Councillors feel strongly that any building works should not adversely affect neighbouring properties: the Applicant has already carried out much, if not all, of the work, including substantial works in the garden, to the rear of the property, to create the sizeable parking area which had been associated with the development and had formed part of this application. That work involved a substantial quantity of earth being excavated, without retaining walls constructed and without proper drainage installed, thereby having a detrimental effect on neighbouring properties. Parish Council is firmly of the opinion that work carried out which is detrimental to neighbouring properties needs to be rectified before any Planning application can be considered. Bow Parish Council feels that this situation needs to be referred to the Enforcement officer. Converting the property into multiple units of accommodation represents over-development of the site and is deemed unacceptable. There is neither spare on-street parking capacity in Bow nor spare capacity at the small village car park. Bow Parish Council remains unanimously opposed to this application for all the aforementioned reasons and urges that it be Refused.

Bow Parish Council - 18th May 2020

The above numbered application was duly considered by the Members at the first virtual meeting, held via Zoom, of Bow Parish Council, which was held earlier this evening. Bow Parish Council is unanimous in its opposition to the application. The creation of parking to the rear of the property is unacceptable, for reasons rehearsed in previous responses to this application and 19/01933/FULL, and there isn't capacity for any additional on-street parking in the centre of Bow village. Nor is there any spare parking capacity in the small car park to the east of the A3072's junction with Station Road and Water Lane. The dearth of parking in the main street for Bow residents has long been recognised - any development would simply further aggravate that situation. As Preston House was built as one property, forming part of a terrace in a village centre location, it is not felt viable for it to be split into multiple units of occupation when lacking the necessary accompanying amenities. Bow Parish Council recommends Refusal.

Bow Parish Council - 8th April 2020

The Revised and Additional Drawings in respect of the above numbered application have been duly considered by the Members of Bow Parish Council. Following electronic (given the ongoing coronavirus situation) consultation, Bow Parish Council remains opposed to the application. Please refer to Bow Parish Council's letter of objection dated 21 January 2020.

Bow Parish Council – 21 January 2020

At the meeting of Bow Parish Council held on 8 January 2020 Parish Councillors heard significant concerns from local residents regarding the above numbered planning application, which is coupled with Planning Application no.19/01933/FULL. Parish Councillors and local residents requested a site meeting with the Planning officer (Mr Devereaux) which was duly arranged and held yesterday, 20 January 2020.

Preston House is central, inside Bow's Conservation Area, on the heavily trafficked A3072 close to the sub-standard junctions with Station Road and Water Lane.

Bow parish Council would regret the loss of the last remaining shop in Bow village, including the potential for a shop at that prime central location, at some point in the future.

The two applications, if granted consent, would result in Preston House comprising five units of accommodation (flats), which is considered to be over-development of the site.

A major objection is the proposed access, already created by the applicant via the narrow covered former storage area of the building, and the parking (for nine spaces) arrangement to the rear of the property, also already created by the applicant, in the rear garden of the property. (The application asserts that parking to the rear of the property already existed, however Bow Parish Council affirms that no such parking to the rear has previously existed). In terms of highway safety, the proposed access to the parking area is deemed unacceptable; access to and exit from the area involves crossing over a busy section of pavement, which is particularly well-used by children, adjacent to designated on-street parking, a bus shelter and a bus stop. Visibility, for drivers of vehicles exiting the parking area, is greatly reduced and is inadequate.

Whether works already carried out at the site has the benefit of Building Regulations is questioned.

The lack of parking in Bow's main street is an issue – if consent is granted for additional units of accommodation current parking issues would inevitably be exacerbated given that some future residents of the property would likely opt to on-street park, instead of using the proposed arrangement.

For the aforementioned reasons Bow Parish Council urges that this application be refused.

Highways Authority – 24th August 2020

On the basis of a proposal of two flats with no parking arrangements, with the location next to a bus stop, the Highway Authority would have no objections.

Highways Authority - 16th July 2020

The County Highway Authority will make observations on the two application 19/01932/FULL and 19/01933/FULL. The site is accessed off the A3072 County Route which is restricted to 30 MPH. The number of personal injury collisions which have been reported to the police in this area between 01/01/2015 and 31/12/2019 is none.

The two proposals will be 4 flats and the retention of the shop, with a proposal of 4 parking spaces at the rear, using the side access as the access to the parking spaces. The Drawings submitted number SO/1807/30 does not show conclusively how the vehicles will be able turn within the area and leave the access onto the A3072 in a forward gear. This drawing also does not show the lengths of the visibility splays to ensure this is a safe and suitable access. Therefore the County Highway Authority would recommend refusal on inadequacy of information.

Recommendation:

The Head of Planning, Transportation and Environment, on behalf of Devon County Council, as Local Highway Authority, is likely to recommend refusal of planning permission, in the absence of further information.

1. Adequate information has not been submitted to satisfy the Local Planning Authority that the proposal is acceptable in terms of access, visibility splays, off-street parking, and on site turning facilities contrary of the National Planning Policy Framework

Highways Authority – 17th December 2019

Standing advice applies please see Devon County Council document
<https://www.devon.gov.uk/planning/apply-for-planning-permission/get-help-with-an-application/guidance-for-applicants>

Public Health – 19th December 2019

Contaminated Land: No objection to this proposal. (11.12.19).

Air Quality: No objection to this proposal. (11.12.19).

Environmental Permitting: No objection to this proposal. (11.12.19).

Drainage: No objection to this proposal. (11.12.19).

Noise & other nuisances: No objection to this proposal. (11.12.19).

Housing Standards: The works should be subject to building regulation approval but I would comment as follows;

Basement Flat ' the bedroom window will need to be an escape window

First floor front flat ' the living room/kitchen is open plan to the hallway and front entrance door.

The bedroom windows will need to be escape windows or the layout altered. We recommend a change to the layout to ensure a safe means of escape for any occupier. (18.12.19).

Licensing: No comments. (11.12.19).

Food Hygiene: Not applicable. (11.12.19).

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. (11.12.19).

Health and Safety: No objection to this proposal enforced by HSE. (11.12.19).

REPRESENTATIONS

Two letters of objection have been received. The objections are summarised as follows:

1. 5 flats would represent overdevelopment
2. The change of use of the garden to parking is not in keeping with the village environment and limits wildlife
3. There is no existing parking, although access and a parking area has been created by the developer, which is currently unauthorised. This access is directly onto the A3072, adjacent to a bus stop and the main crossing point for pedestrians on the school run. The road can be very busy with HGV traffic. It is also the QE School bus stop and the access would pose a danger to people using the bus stop.
4. The proposed car park access is adjacent to the main pedestrian crossing point on the A3072 which is already a busy road and this would add to the dangers of people trying to cross the road, in particular parents taking their children to and from Bow school.
5. The previous application 18/00571/FULL was refused on the 15th August 2018.

6. The creation of 2 ground floor flats, 2 on the first floor and 1 existing to the rear could potentially mean that 5 families would be living on the site. There is already very limited parking within the village.

7. The proposed development has the potential for over five cars to be linked to the property which will add to the current village parking

8. We do understand that the developer has to do something with the empty shop space, so we would be in agreement for planning for a total of 3 flats (1 on each floor). We would also like to see the rear of the property to be reinstated into a communal garden area for the occupant's to enjoy. We feel that this would be more in keeping within the village environment.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The application site relates to Preston House and in particular the first floor flat which has been subdivided into two flats. Part of the garden curtilage for Preston House has in part been converted from a landscaped garden into a parking area with an access created through an opening from the A3072. The initial submission was for this new vehicle access and parking area to serve the proposed flats but following concerns of highway safety in terms of proximity to a bus stop, visibility splays achieved at the entrance and space for manoeuvring on site, revised plans have been received showing the closure of the access created for vehicles, only allowing for pedestrian access with no on site parking, with the area created being used for amenity space by occupiers of the development.

The main determining factors in this application are:

- 8) Policy considerations;
- 9) Impact on Character and Heritage Assets
- 10) Amenity for future residents / Impact on neighbours;
- 11) Highway safety/ Movement and parking issues;
- 12) S106 obligations;
- 13) Other considerations
- 14) Summary & Planning Balance.

1. Policy considerations

S.38[6] of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The National Planning Policy Framework is noted as one such material consideration. The National Planning Policy Framework outlines three dependant objectives of sustainable development; economic, social and environmental.

The National Planning Policy Framework (2019) outlines that development should be guided towards the most sustainable locations available, including previously developed or underused land in settlements. Policy S1 states that development will be concentrated at Tiverton, Cullompton, and Crediton. Policy S13 (Villages) which recognises Bow states that development will be limited to proposals within their defined settlement limits and to allocations for:

- a) Small scale housing, employment, tourism and leisure;
- b) Services and facilities serving the locality; and
- c) Other limited development which enhances community vitality or meets a local social or economic need.

The site is located within the settlement boundary of Bow and within the boundary of the village conservation area where small scale residential proposals could be considered acceptable in

principle in accordance with policy S13. The proposal results in an additional residential flat on the first floor and in addition to the proposal submitted under planning application 19/01932/FULL for the creation of a ground floor flat from part of the shop area would result in a total of four flats within the building in addition to a shop. This would be a net increase of two residential units, with one additional flat created under each planning application submitted.

On the basis that the proposals relate to previously developed land within the development limits of Bow, in light of the policy context discussed above, it is considered that the creation of residential units would be acceptable in principle.

2. Impact on Character and Heritage Assets

Policy DM1 of the Mid Devon 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 DM25 refers to the importance of heritage assets and their settings, and includes criteria for their preservation and enhancement.

The application building is located within the Bow Conservation Area and 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 proposal for this application involves the conversion of the existing first floor flat into two smaller flats where most of the changes have occurred internally, although there has been some external changes to create the separate entrance for the second flat created. As part of this application, in order to close the access created to vehicles, a planter/bollard is to be installed. The Conservation Officer has raised no objections only requesting a planning condition to agree to the final planter/bollard to be installed. Refuse storage would need to be located within the site but it is considered that there is ample space within the grounds for bins and space within the flats to provide bicycle storage.

The Parish Council and neighbouring occupiers have objected to the proposal on the grounds that it would result in an over-development of the site and amount to poor design, with unauthorised work having been carried out. Whilst this application relates to the subdivision of an existing flat into two, the proposals under planning application 19/01932/FULL have been revised so that the proposal under this application is only to create an additional flat and retain the shop. Therefore the total number of residential units would be four. Each of the proposed units would provide a sufficient amount of internal living space meeting technical standards and, given the location, amenity areas, along with adequate refuse and bicycle storage which could be provided, it is therefore considered that the proposal would not result in an over-development of the site.

Given the modest changes proposed to the external appearance of the main building and the site, it is considered that there would not be any harm to the conservation area. The closure of the vehicular access created through a bollard/planter and the renovation of the remainder of the building, would serve to enhance the character and appearance of the conservation area. A condition is proposed to be imposed requiring the approval details for the bollard/planter which would ensure that the public facing parts of the building, in particular, would retain their existing character and continue to contribute positively to the character of the area. A condition is also proposed to secure the approval of a scheme of hard and soft landscaping to the rear.

As the proposed residential units would be flats, there would be no permitted development rights allowing for changes in the future without formal planning permission being obtained. Subject to the use of these conditions referred to above, the proposal is considered to be in accordance with Policies DM1 and DM25 of the Mid Devon Local Plan Review 2013-2033.

3. Amenity for future residents / Impact on neighbours

Policy DM1 of the Mid Devon Local Plan Review 2013-2033 states that proposals should not result in unacceptable impacts on the privacy and amenities of those occupying existing or proposed dwellings and 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 DM4 of the Mid Devon Local Plan Review 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 development (including that under planning application 19/01932/FULL) would result in the provision of 4 flats in the building with the retention of the shop. In terms of bedrooms, an existing four bedroom flat would be replaced by 2 two bedroom flats and a flat created to the rear of the shop on the ground floor would have two bedrooms. Existing window openings would be used and as a result it is not considered that the proposals would result in significant overlooking of neighbouring properties. The proposals would provide adequate amounts of internal living space to serve future occupiers with each of the proposed units meeting with National Space Standards.

Most concerns raised by neighbours appears to relate to the unauthorised works that have been undertaken to the side and rear of the property to create an access and parking area. With the planning application which was refused, consideration was given to the extent of hardscape that has been created to form an access and parking area and that additional area for further parking lower down in the site. This part of the development was considered to result in an intrusive and dominant arrangement in the rear garden detrimentally impacting neighbouring occupier's amenity in terms of how it would affect the enjoyment of their garden areas and in visual impact terms generally.

However, as commented earlier in this report, plans have been revised to remove the vehicle access created and that of the parking area, with it to become an amenity area. Therefore this would remove traffic movement from vehicles deep into the site which would have impacted on neighbour's amenity given their proximity to this traffic and associated noise and other disturbances. The remaining issue is considered to relate to the raised parking area created which results in a viewing platform which could allow overlooking of a neighbouring property. Therefore a condition is recommended for this area to become an area of amenity for occupiers of the development with details provided either to show levels reduced back down to the original ground levels or for the approval of privacy screens around this area. On this basis the application would not be considered to be in conflict with the policies in the Mid Devon Local Plan Review 2013-2033 (S9, DM1 & DM25).

4. Highway safety and parking

The access arrangements and on site parking as proposed originally were considered unacceptable in highway safety terms given the limited visibility that would be available for drivers of vehicles exiting the site and the proposed location at a very busy point on the A3072 which carries heavy levels of vehicular and also pedestrian traffic, and the requirement for passage over a busy/significant section of the footway and a protected on-street parking bay. Following on, if the

proposed access arrangements are considered unacceptable the proposed car parking arrangements are also considered unacceptable.

Policy DM1 of the Mid Devon Local Plan Review states that new development should be safe and accessible based upon and demonstrating the principle of creation of safe and accessible places that also encourage and enable sustainable modes of travel such as walking and cycling. Policy DM5 states that sufficient vehicle parking and bicycle storage must be provided.

The revised proposal would now not provide any off-street parking spaces and one of the concerns raised by the Ward Member and Parish Council relates to the available street parking in the area, and the limited nature of local public car parks. The parking requirement for a residential unit is 1.7 spaces so this application including that of the proposal under application 19/01932/FULL would require 4 spaces to be provided.

The Highway Authority has considered the submitted information and are satisfied that the lack of on site parking in this location would not be unacceptable, noting that the site is in a sustainable location with a main public bus stop located straight outside of the premises with a number of facilities/services within walking distance. An enquiry was made as to whether a parking survey would be required but the Local Highway Authority said that they did not believe this would be required on the basis of the proposals and knowledge of the settlement, with the officer having visited Bow on a number of occasions and noting parking availability in the area. Whilst there are parking restrictions on the main road running through Bow, it is noted that some of these do not apply after 6pm in the evening up until 8am in the morning where parking is possible.

In light of the above, the lack of on site parking is not considered to outweigh the other planning merits of the proposal which would be those of the creation of smaller residential units for the community, within a sustainable location close to public transport services. As the proposal is not considered to result in unacceptable harm to highway safety or amenity, it is in accordance with Policy DM1 of the Mid Devon Local Plan Review.

5. S106 obligations

Policies S12 (Credton) and CRE11 (Credton Infrastructure) outlines the requirements for the provision of an off-site financial contribution towards funding improvements which seek to address air quality within the Credton Air Quality Management Area. The Supplementary Planning Document (SPD) sets out the relevant contributions levels arising from new residential development as is the case with this application. In accordance with these policies and the relevant guidance in the supporting SPD on the provision and funding of Air Quality mitigation, a financial contribution of £ 4,434.00 would be required for each new residential unit created. The applicant has signalled their intent to agree to enter into a Unilateral Undertaking, to sign the deed and to make these payments.

The potential receipt of these monies is a positive aspect of the proposals with additional weight attributed to this consideration.

6. Other Considerations

The Council's Public Health officers have commented on the provision of suitable fire escape windows from some of the proposed rooms within the residential units to be created. As this is a Building Regulations matter, it has not been given any weight in the assessment of this application.

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.

7. Summary & Planning Balance

The application scheme was amended with the car parking and access arrangements to be removed from the proposed scheme of works and the affected area to be landscaped accordingly as garden space. The site is within a sustainable location close to public transport links and within walking distance to a number of community facilities/services. The proposal is considered acceptable, having regard to policies in the Mid Devon Local Plan Review 2013-2033 and all other material considerations, planning permission should therefore be granted, subject to the conditions detailed below and the completion of the unilateral undertaking legal agreements as discussed above.

CONDITIONS

- 1 The date of commencement of this development shall be taken as 9th December 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 Prior to the first use or occupation of the development hereby approved, refuse storage arrangements shall be provided in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority. The refuse storage arrangements shall thereafter be retained for the life of the development.
- 4 Prior to the occupation of any part of the development hereby approved, details including a section drawing shall be submitted to and approved in writing by the Local Planning Authority for the bollard and planter shown on the approved plans. The approved details shall be thereafter installed prior to occupation of the development.
- 5 Prior to the first occupation of the development hereby approved, a scheme of hard/soft landscaping and boundary treatment including details for either the installation of a privacy screen around the raised amenity area (former car parking area to the rear of the basement flat) along the north and east sides or alternatively for the lowering of this raised land back down to original levels, shall be submitted to and approved in writing by the Local Planning Authority. All planting, seeding or turfing comprised within the approved scheme shall be carried out in the first planting season following the completion of the development and any trees or plants, including existing specimens to be retained, which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next available planting season with others of a similar size and the same species. The approved hard landscaping and boundary treatments shall be provided within four weeks of the development being brought into use, and shall be retained for the life of the development. Any privacy screen implemented shall be retained for the life of the development.

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. RD7A for the avoidance of doubt in the interests of proper planning.

3. To ensure adequate facilities are provided for bin storage in accordance with policy DM1 of the Mid Devon Local Plan Review 2013-2033.

4. In order to safeguard the appearance of the building and character of the Conservation Area in accordance with policies DM1 and DM25 of the Mid Devon Local Plan Review 2013-2033.

5. To ensure that the development makes a positive contribution to the character and amenity of the area and to ensure adequate standards of living accommodation and impacts on neighbouring amenity, in accordance with policy DM1 of the Mid Devon Local Plan Review 2013-2033.

ADVISORY NOTE

1. 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.

2. The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. If bats are found, works must immediately cease and further advice be obtained from Natural England and / or a licensed bat consultant. Works must not resume until their advice has been followed. Nesting birds are also protected by law. During site clearance and construction works, suitable safeguards must be put in place to prevent threat of harm to legally protected species, including nesting birds and reptiles all of which are protected under the Wildlife & Countryside Act 1981 (as amended). Further details can be obtained from a suitably qualified and experienced ecological consultant, or please refer to published Natural England guidelines for protected species.

REASON FOR APPROVAL OF PERMISSION

The proposal for the retention of the conversion of first floor flat into two flats at Preston House, Bow is acceptable in principle and, subject to conditions and the completion of a legal agreement, would not result in unacceptable harm in terms of the character of the area, heritage assets, local amenity, and highway safety. On balance, the standard of accommodation that can be achieved is considered acceptable, bearing in mind the contribution the proposal would make to meeting local housing needs. The proposal is also located in a central and sustainable location where a lower standard of amenity can be considered acceptable. The proposal is considered to be in accordance with Policies S1, S3, S9, S13, CRE11, DM1, DM3, DM4, DM23 and DM25 of the Mid Devon Local Plan Review 2013-2033.

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.

Statement of Positive Working

In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, in determining this application the Local Planning Authority has worked proactively and positively with the applicant to ensure that all relevant planning considerations have been properly resolved. This has included further discussion and submission of revised proposals to address issues raised by Consultees and the Planning Officer.

In accordance with the National Planning Policy Framework, the Local Planning Authority has also involved the community in the consideration of this application.