

PLANNING COMMITTEE AGENDA - 22nd September 2021

Applications of a non-delegated nature

<u>Item No.</u>	Description
01.	21/00787/FULL - Erection of 2 residential flats at Adjacent to 24 & 24A Siddalls Gardens, Tiverton, Devon. RECOMMENDATION Grant permission subject to conditions.
02.	21/01421/FULL - Installation of concrete ramp and railings to front access at 49 Bilbie Close, Cullompton, Devon. RECOMMENDATION Grant permission subject to conditions.

Application No. 21/00787/FULL

Plans List 1

Grid Ref: 113080 : 296252

Applicant: Mr M Lowman

Location: Adjacent to 24 & 24A
Siddalls Gardens
Tiverton Devon EX16
6DG

Proposal: Erection of 2
residential flats

Date Valid: 5th May 2021



REPORT OF THE HEAD OF PLANNING AND REGENERATION

**21/00787/FULL - ERECTION OF 2 RESIDENTIAL FLATS - ADJACENT TO
24 & 24A SIDDALLS GARDENS TIVERTON DEVON EX16 6DG**

Reason for Report:

This report is before the Planning Committee as it was submitted by Mid Devon District Council and therefore cannot be determined under delegated powers

RECOMMENDATION(S)

Grant planning permission subject to conditions

Proposed Development

Planning permission is sought for two-storey extension to existing residential block to accommodate two additional Flats: 7.2m Wide x 8.97m Deep x 5.1m (eaves)/ 7.66m (ridge) Height

Applicants Supporting Information

Application form

Proposed plans and elevations

Planning History

81/00302/FULL - DEMCON date 9th April 1981. DEEMED CONSENT for the change of use of 4 houses to 8 one-bedroomed flats.

20/01983/FULL - PERMIT date 12th March 2021. Rendering of ground floor flats.

21/00787/FULL - PCO date. Erection of 2 residential flats.

Development Plan Policies

Mid Devon Local Plan 2013-2033

Policy S1 (Sustainable development priorities)

Policy S9 (Environment)

Policy S10 (Tiverton)

Policy DM1 (High quality design)

Policy DM2 (Renewable and low carbon energy)

Policy DM5 (Parking)

Policy DM11 (Residential extensions and ancillary development)

National Planning Policy Framework

Chapter 2 (Achieving sustainable development)

Chapter 12 (Achieving well-designed places)

Consultations

Tiverton Town Council / Ward Member's

No comments received

South West Water

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons

Comment: Please find enclosed a plan showing the approximate location of a public 150mm sewer in the vicinity. Please note that no development will be permitted within 3 metres of the sewer, and ground cover should not be substantially altered.

Should the development encroach on the 3 metre easement, the sewer will need to be diverted at the expense of the applicant.

Please click here to view the table of distances of buildings/structures from a public sewer.

Further information regarding the options to divert a public sewer can be found on our website via the link below:

www.southwestwater.co.uk/developer-services/sewer-services-and-connections/diversion-of-public-sewers/

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 Runoff

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 discharge to the public combined sewerage network is not an acceptable proposed method of disposal, in the absence of clear evidence to demonstrate why the preferred methods listed within the Run-off Destination Hierarchy have been discounted by the applicant.

I trust this provides confirmation of our requirements, however should you have any questions or queries, please contact the Planning Team on 01392 442836 or via email:

DeveloperServicesPlanning@southwestwater.co.uk.

Highway Authority

MDDC to follow Standing Advice issued by Highway Authority.

Public Health

Contaminated Land: No concerns. (05.06.21).

Air Quality: No concerns. (05.06.21).

Environmental Permitting: No objection to the proposal. (13.05.21).

Drainage: No concerns. (05.06.21).

Noise & other nuisances: No concerns. (05.06.21).

Housing Standards: The layout of the two flats means that the bedrooms are inner rooms with no safe primary means of escape in the event of a fire. If the reliance is to be on escape windows then consideration will need to be given to the type of future resident and mobility needs. The bathroom layout indicates this may be used for disabled persons in which case a primary escape route with a corridor from the bedroom direct to the outside would be a more suitable layout and may mean the layouts of the flats need to be altered. (28.05.21).

Licensing: No comments. (13.05.21).

Food Hygiene: No comments. (13.05.21).

Private Water Supplies: Not applicable. (13.05.21).

Health and Safety: No comments. (13.05.21).

Representations

Twelve neighbours notified.

No response received.

Site and Surroundings

Application site lies to the mid northside of Siddall Gardens in an established residential area; within Tiverton settlement confines. The two-storey host block of Flats/ building is rectangular in layout and the current proposal would be attached to the eastern flank wall. There is communal amenity garden in the main to the rear of the host building.

Material Considerations and Observations

Principle of the development

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 site is located within Tiverton settlement boundary confines; within a central/sustainable residential neighbourhood; and where local plan policy S10 states amongst other criteria that proposals will provide for approximately 2358 dwellings, of which 660 will be affordable housing over the plan period (2013 – 2033). Therefore, the principle of the proposed development is acceptable. However, it remains to be seen whether all material considerations are satisfied; these are discussed below.

Character and appearance

The NPPF attaches great importance to the design of the built environment, stating good design is a key aspect of sustainable development and should contribute positively to making places better for people. It stresses the need to plan positively for the achievement of high quality and inclusive design for all development. While it states that local authorities should not impose architectural styles or particular tastes, it reinforces that it is also important to consider local character and distinctiveness.

In addition to the specific NPPF requirements set out above, paragraph 39 stipulates that applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. Proposals that can demonstrate this in developing the design of the new development should be looked on more favourably.

The application form at question 23 indicates that no pre-application advice or assistance has been sought from the Council. The NPPF from paragraph 39 extols the virtues of applicants engaging in pre-application discussion with the council to resolve any issues that may arise to help applicants avoid any unnecessary delays and costs.

Although the proposed flats are self-contained dwelling units, the proposed development is an extension to existing residential block of flats and local plan policy DM11 is of relevance.

Policy DM11 states that extensions to existing dwellings and other ancillary development will be permitted that they:

- (i) Respect the character, scale, setting and design of existing dwellings;
- (ii) Will not result overdevelopment of the dwelling curtilage; and
- (iii) Will not have a significantly adverse impact on the living conditions of occupants of neighbouring properties.

The current proposal in mimicking the scale and design of the existing building is considered a sympathetic addition. On implementation, there would still remain ample amenity space to the rear of the host building. There is potential for overlooking of neighbouring curtilages from the upper floor rear/side fenestration of the proposed building and a relevant condition is suggested in case of approval to address this concern.

Impact on residential amenity of surrounding properties

Local plan policy DM1 stipulates details relating to the protection of amenity of neighbouring occupiers. At chapter 12 of the NPPF, the government requires new development to provide a good standard of amenity for all existing and future occupants of land and buildings. As noted above, there is potential for overlooking of neighbouring curtilages from the upper floor rear/side fenestra of the proposed building and a relevant condition is suggested accordingly. Otherwise, it is considered that, there is considerable separation distances between the proposed dwellings and the neighbouring dwellings(s). Accordingly, no further issue is raised in respect of harm to residential amenities of neighbour(s).

Housing Supply

The application would arguably make, a minor contribution to the Council's housing targets; but nonetheless a contribution (of 2 dwelling units).

Standard of accommodation

Flat	Proposal Details	Bedroom sizes Nationally Described Space (sqm)	Proposed Flat(s) Internal Space (sqm)	Required Nationally Described Space Standard (sqm)	Spatial standard comment(s)
Ground Floor	1b/1p-2p 11.1sqm	11.5 (double bed) 7.5 (single bed)	45	39 (1p) 50 (2p)	Modest shortfall in floor area and size of bedroom.
First Floor	1b/1p-2p 12.46sqm	11.5 (double bed) 7.5 (single bed)	48	39 (1p) 50 (2p)	Modest shortfall in floor area

The above table sets out the proposed self-contained flats against the Nationally Describe Space Standards (NSDCC).

The site is owned by Mid Devon District Council and as part of the Council's commitment and function to provide social and affordable housing, it is looking at ways to increase its existing stock numbers to meet demand. As well as looking at new sites for development, the council is identifying underused parcels of land it already owns and utilising the space for residential use.

Nationally Described Spaced Standards is useful for assessing the quality of living conditions for future occupiers. The proposed flats in terms of their area, layout and circulation and provision of outlook are considered to be able to provide a satisfactory standard of living accommodation for future residents.

Car Parking and Amenity space

No on-site car parking is proposed. This is consistent with the existing development and officers are content that with the sustainable town centre location and lack of objection from the County

Highway authority and the ample amenity space to the rear of the host building remaining that this is acceptable and in accordance with Policy DM5 of the local plan.

Ecology

A survey by Western Ecology found no bats, or evidence of bats, were found associated with the building nor any evidence of nesting birds. It is therefore considered no ecological issues arise as a result of this development proposal.

CONCLUSIONS

In conclusion, the proposal provides a modest contribution to the borough housing supply, with 2 residential units of an acceptable standard of living accommodation in a sustainable location within Tiverton Town Centre.

It is considered that on balance this make a positive contribution to the planning and development of the area and accordingly officers recommend that planning permission be granted subject to conditions as set out below.

The proposal is therefore considered to comply with relevant policies of the Mid Devon Local Plan (2013-2033) including Policy S1 (Sustainable development priorities), Policy S9 (Environment), Policy S10 (Tiverton), Policy DM1 (High quality design), Policy DM2 (Renewable and low carbon energy), Policy DM5 (Parking), Policy DM11 (Residential extensions and ancillary development); and National Planning Policy Framework (2019; as amended) and no other material considerations indicated outweigh the recommendation for conditional approval.

CONDITIONS

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

2. The development hereby permitted shall be carried out in accordance with the following approved plans/documents:

Date received	Reference number	Description
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	PP 03	Site location plan & block plan
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	PP 02	Proposed elevations
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	PP 01	Proposed ground floor, first floor and roof plan(s)
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3. The materials and finishes to be employed on the external faces of the development, hereby permitted, shall be as specified in the approved plans and match the existing block of Flats.

4. The development shall not be occupied until refuse/bin storage facilities have been provided in accordance with details, to include proposals for maintenance and management of the storage area, which have first been submitted to and approved in writing by the local planning authority prior to occupation of the units hereby approved.

REASON FOR CONDITIONS

1. This condition is required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and in the interests of proper planning and development
3. To ensure satisfactory visual relationship of the new development to the existing development
4. In the interests of local amenity.

INFORMATIVES

1. 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. No persons that could be affected by the development have been identified as sharing any protected characteristic.
2. 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.
3. In accordance with Paragraph 38 of the National Planning Policy Framework, the Local Planning Authority has worked proactively and positively with the applicant. This has included carrying out pre-application discussions and further negotiations/discussions during the application process.

Application No. 21/01421/FULL

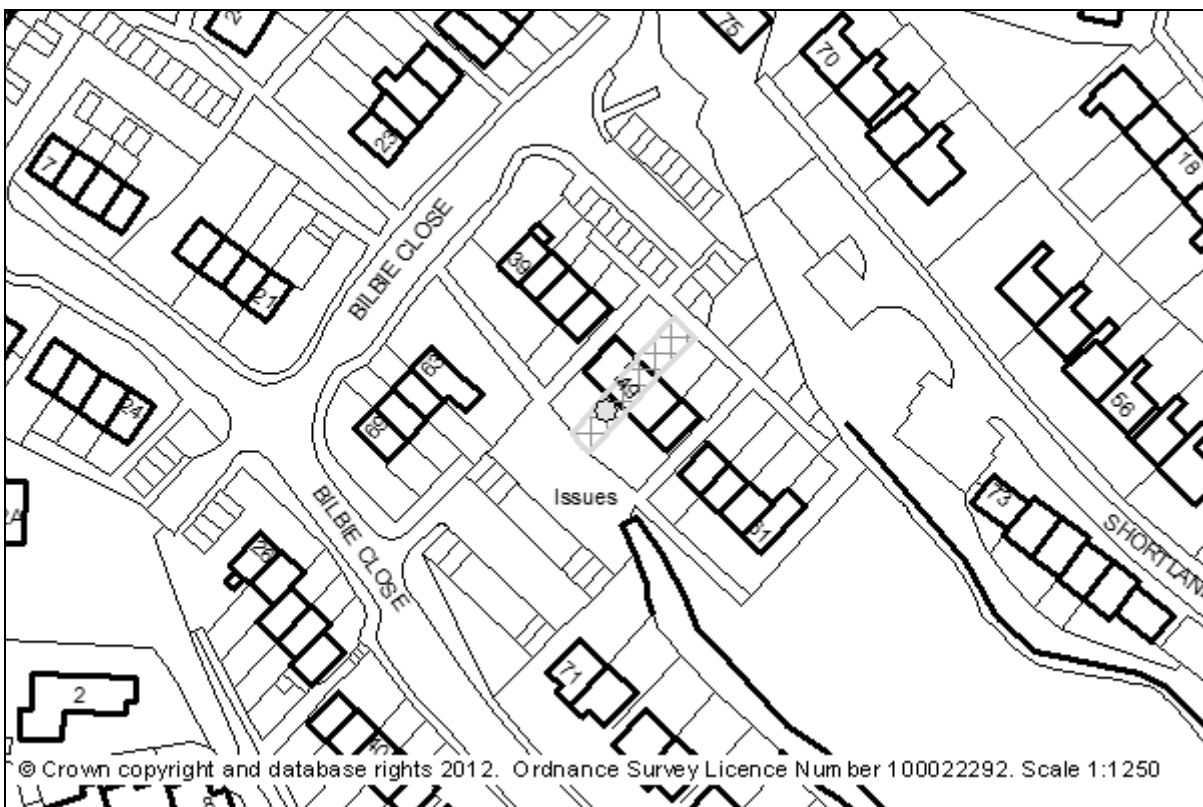
Grid Ref: 301617 : 107212

Applicant: Mr & Mrs Casey

Location: 49 Bilbie Close
Cullompton
Devon
EX15 1LG

Proposal: Installation of concrete ramp and railings to front access

Date Valid: 28th July 2021



APPLICATION NO: 21/01421/FULL

Site Visit: Yes Date of Site Visit: 8/9/21

Decision Delayed Reason: To allow the application to go before committee.

CALL-IN

MDDC are the agent for the application.

RECOMMENDATION

Grant permission subject to conditions

PROPOSED DEVELOPMENT

The proposed development is for the installation of concrete ramp and railings to front access at 49 Bilbie Close, Cullompton. The site is within the Cullompton settlement boundary but outside of the Conservation Area. The proposal itself seeks to install a ramp to the front of the property leading to the front door. It includes a galvanised hand rail on either side approximately 900mm high.

APPLICANT'S SUPPORTING INFORMATION

Site location plan, block plan and proposed plans.

RELEVANT PLANNING HISTORY

77/01087/FULL - PERMIT date 18th October 1977(a) Erection of 76 dwellings and 52 garages with associated site work including car parking areas and land drainage
(b) Use of land as an open space

DEVELOPMENT PLAN POLICIES

Mid Devon Local Plan Review 2013 – 2033

S1 – Sustainable Development

S11 – Cullompton

DM1 – High Quality Design

DM11 – Residential Extensions and Ancillary Development

Cullompton Neighbourhood Plan (2020-2033)

TC02 Character of the Built Environment

CONSULTATIONS

Highway Authority, 10th August 2021:

The County Highway Authority have no comments to make on this application.

Environment Agency:

Householder extension or alteration within Flood Zone 1 - No Environment Agency consultation required.

Cullompton Town Council:

No comments received.

REPRESENTATIONS

The application was advertised by means of site notice and an advert placed in the local paper. One general comment has been received at the time of writing this report. The comment requested an additional aerial (block) plan and clarity as to whether the development would impact their property.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issue in the determination of this application is:

- 1. Policy, procedure and principal of development.**
- 2. Other material considerations**

- 1. Policy procedure and principal of development**

Policies S1 and S13 of the Mid Devon Local Plan (2013-2033) outline the acceptable forms of development in the town of Cullompton. They allow for appropriately scaled residential development. More specifically, policy DM11 supports householder development subject to the following criteria:

“a) Respect the character, scale, setting and design of existing dwelling;
b) Will not result in an over-development of the dwelling curtilage; and
c) Will not have a significantly adverse impact on the living conditions of occupants of neighbouring properties.”

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

- a) The proposed ramp is to the front of the dwelling allowing disabled access to the front door from the public pathway, covering approximately 8.9 metres in total length. The width is approximately 0.9m as shown on the submitted elevation and block plan. Galvanised hand rails are proposed on either side of the path approximately 0.9m tall with a mid-rail at approximately 0.45m. The scale or appearance does not detract from the character of the existing dwelling which carries little architectural merit. The appearance of the ramp is considered appropriate and overall the scheme respects the character, scale, setting and design of the existing dwelling.
- b) The property benefits from both front and rear garden areas. The ramp will be built upon an existing path and therefore there will be no significant impact on the property garden areas or curtilage.
- c) The property is within a terrace of four with adjoining neighbours on either side. Given the nature of the ramp and handrails, there are no concerns with regards to loss of light or overlooking. The ramp and handrail are modest in scale and will sit comfortably in the

street scene, there are therefore no significant concerns with regards to overbearing impacts and overall neighbourhood amenity is protected.

Overall the scheme is considered to comply with DM11 of the local plan.

The Cullompton Neighbourhood Plan was adopted in May 2021. Policy TC02 of the plan states that development should contribute positively to the built environment by:

- i. demonstrating an understanding of the diverse qualities that contribute to this character; and
- ii. reinforcing local distinctiveness and a strong sense of place.”

Given the minor scale of the proposal and lack of architectural merit along the existing terrace, there are no concerns that the proposal will detract from the qualities or character of the area or its sense of place. Therefore it is in accordance with TC02 of the Neighbourhood Plan.

2. Other material considerations

The letter of representation received raises concern about the width of the path and whether the handrail will be installed on their property. Additional plans including a revised block plan were submitted which confirm that the development will be contained within the property boundary.

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.

REASONS FOR CONDITIONS

1. In accordance with provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt in the interests of proper planning.

INFORMATIVES

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/GRANT OF CONSENT

The proposed installation of concrete ramp and railings to front access at 49 Bilbie Close, Cullompton is considered acceptable in policy terms. The overall scale and design of the development is considered acceptable and will not result in an over-development of property curtilage. There will be no significant adverse impacts on the amenity of residents of neighbouring

properties or on the character of the built environment. As such, the proposal complies with policies S1, S14, DM1 and DM11 of the Mid Devon Local Plan (2013-2033), TC02 of the Cullompton Neighbourhood Plan (2020-2033) and guidance in the National Planning Policy Framework.

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