

## PLANNING COMMITTEE AGENDA - 1st April 2015

### Applications of a non-delegated nature

- | <u>Item No.</u> | Description   |
|-----------------|---|
| 1.              | <p>14/02116/FULL - Erection of retail store, formation of access, car parking and service area, with landscaping and associated works at Land at NGR 303843 111382 (Mid Devon Business Park), South View Road, Willand.</p> <p><b>RECOMMENDATION</b><br/>Grant permission subject to conditions.</p>                                |
| 2.              | <p>14/02132/FULL - Conversion and extension of former public house into six dwellings at Former Hare &amp; Hounds, 138 Chapel Street, Tiverton.</p> <p><b>RECOMMENDATION</b><br/>Grant permission subject to conditions.</p>  |
| 3.              | <p>15/00011/FULL - Erection of dwelling following demolition of existing partially demolished barns at The Old Forge, (Adjacent To Hill View Farm), New Buildings.</p> <p><b>RECOMMENDATION</b><br/>Refuse permission.</p>  |
| 4.              | <p>15/00197/FULL - Erection of extension to front, side and rear elevations; conversion of part garage to form additional living accommodation with room above and provision of hardstanding for the parking of vehicles (Revised scheme) at 52 Oak Close, Tiverton, Devon.</p> <p><b>RECOMMENDATION</b><br/>Refuse permission.</p> |
| 5.              | <p>15/00280/FULL - Erection of single storey side extension and veranda to front (Revised scheme) at Thurlescombe East, Ash Thomas, Devon.</p> <p><b>RECOMMENDATION</b><br/>Grant permission subject to conditions.</p>   |

**Grid Ref:** 303843 : 111382

**Applicant:** The Co-operative  
Group Food Limited

**Location:** Land at NGR 303843  
111382 (Mid Devon  
Business Park) South  
View Road Willand  
Devon

**Proposal:** Erection of retail store,  
formation of access,  
car parking and  
service area, with  
landscaping and  
associated works

**Date Valid:** 23rd December 2014



## **Application No. 14/02116/FULL**

### **RECOMMENDATION**

Grant permission subject to conditions.

This application was deferred at planning committee on 18th March 2015 to enable discussions to take place with the applicant regarding the provision of a formal crossing facility i.e. zebra crossing on South View Road and/or to improve lighting at the existing crossing point

Following that committee the applicant has advised

My client has confirmed that they intend to progress on the basis of the zebra crossing to South View Road. We will liaise directly with Ian Sorenson (DCC Highways) and produce a plan of the works.

An update on the situation will be provided to the Planning Committee with any necessary conditions

Also reported at the 18th march 2015 committee were the following updates:

Further correspondence from DCC Highways - Email dated 3rd March 2015 to Local Ward Member and copied to MDDC - I have spoken to the safety team and given the Traffic flows and the existing facilities, it is felt to be adequate for the development and it would be unreasonable to impose a condition for controlled crossings and given the evidence I could not justify such a condition at appeal. I will look at the existing crossings to ensure they are adequately constructed, e.g. tactile provision etc. and if they fall short their upgrade to current best practice would I feel be reasonable.

Email dated 4th March 2015 - Further to My email yesterday I visited the site and can confirm that the current crossing facilities are to current standards and no additional works will be required. If the developer wishes to make a magnanimous gesture and offer zebra crossing facilities they will probably be feasible from a technical perspective. But would need to be a good will gesture by the developer. I would be happy to work with the developer if they so wish to make the gesture

Update on drainage - following the consultation response from the Environment Agency, the applicant has confirmed that the finished floor level will be 82.35AOD and the EA have confirmed that this is acceptable. There are no outstanding drainage issues.

Update on amenity of nearby residents - The formal response of Environmental Health was received just as the agenda was published so consultation response was able to be published on the agenda. EH were specifically asked to consider the noise from generators, deliveries etc. They have advised that they have no objections to the proposals and therefore the impact on amenity is considered to be acceptable.

### **COUNCILLOR B EVANS HAS REQUESTED THAT THIS APPLICATION BE DETERMINED BY THE PLANNING COMMITTEE FOR THE FOLLOWING REASON:**

To consider the concerns around pedestrian access

### **PROPOSED DEVELOPMENT**

The application site is located on the north side of the Four Cross Ways Roundabout on the B3181 at Willand.

This is a full application for the erection of a 410sqm A1 retail store with a net sales area of 232sqm, on currently undeveloped land at the southern most end of the Mid Devon Business Park. The site is accessed from an existing arm of the roundabout which leads onto the service road into the Business Park. Access into the application site itself for service vehicles (deliveries etc) is proposed from an existing service road to the north of the application site with no direct vehicular access to the site from the roundabout itself.

The retail unit is shown to be accessed from the main service road running north/south through the site. The site is generally flat and there is an existing SUDS pond and hedgerow between the site and the roundabout and B3181.

The scheme includes the provision of new accesses (as set out above), car parking for approx. 29 vehicles and cycle stands to accommodate 12 bikes. The service area for deliveries and for the provision of refrigeration plant/air conditioning etc is located to the north east of the store and is enclosed by steel fencing.

The application is accompanied by landscaping and drainage proposals

Outside of the site but adjacent to it an existing oak tree subject to a TPO.

The proposed store is a maximum of 5.6m high with a flat roof sloping down to 4.3m towards the service area end of the site. The main elevation of the store is render with a glazed entrance whilst the remainder of the elevations have composite insulated cladding and some timber cladding

## **APPLICANT'S SUPPORTING INFORMATION**

Design and Access Statement  
Planning and Retail Statement  
Transport Assessment and Travel plan  
Phase 1 Ecological Survey  
Arboricultural Survey  
Drainage Statement  
Employment marketing history report (held confidentially)

## **PLANNING HISTORY**

05/02177/OUT - Outline for the development of land for employment within Use Classes B1 (Business), B2 (General Industrial) and B8 (Storage and Distribution) - APPROVED

06/01410/arm - Reserved Matters application for highways and drainage for phase 1 of industrial estate following outline consent 05/02177/OUT - APPROVED

N.B - Application 14/01938/MOUT (Outline application for up to 97 dwellings to include the importation of inert waste to raise land with details of access onto the public highway provided and with all other matters reserved for future consideration) is currently being considered by the Local Planning Authority on the adjacent land).

## **DEVELOPMENT PLAN POLICIES**

W11 - Willand Industrial Estate

### **Mid Devon Core Strategy (Local Plan 1)**

COR1 - Sustainable Communities  
COR2 - Local Distinctiveness  
COR11 - Flooding  
COR17 - Villages

### **Mid Devon Local Plan Part 3 (Development Management Policies)**

DM2 - High quality design  
DM17 - Development outside town centres  
DM19 - Rural shopping  
DM21 - Protection of employment land

## **CONSULTATIONS**

HIGHWAY AUTHORITY - 16th January 2015

The Highway Authority has considered the applicants transports statement and while some assumptions have given rise to small changes in transport figures from that of the residential application on the adjacent site the finding are less than 1% different and as an application considered against the Commercial allocation of all the land is acceptable. However the application proceeds an application for a substitution of commercial land to residential land for 97 dwellings and a revised assessments should be submitted taking this into account and demonstrating that the roundabout still retains sufficient capacity which given the calculated figures is likely to be the case.

The Highway Authority is happy with the layout of the site and the parking provision is in keeping with the Local Plan.

The Highway Authority is happy with the location of the access and its visibilities and can confirm that should the road be adopted then the gates will be permanently removed.

The applicant has submitted a travel plan for the site which is welcomed and should be conditional of any consent. The proposed development should consider the application for the residential development in its assessment of the drainage given the likely hard surfaces delivered from the roads and roof coverage. And ascertain whether or not the balancing pond is sufficient or additional attenuation is required.

Therefore subject to approval of amended figures the following conditions should be imposed.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, MAY WISH TO RECOMMEND CONDITIONS ON ANY GRANT OF PLANNING PERMISSION

1. No development shall take place until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. Unless it is demonstrated that it is unfeasible to do so, the scheme shall use appropriate Sustainable Urban Drainage Systems. The drainage scheme shall be designed so that there is no increase in the rate of surface water runoff from the site resulting from the development and so that storm water flows are attenuated. The development shall be carried out in accordance with the approved scheme.

REASON: To protect water quality and minimise flood risk.

2. In accordance with details that shall previously have been submitted to, and approved by, the Local Planning Authority, provision shall be made within the site for the disposal of surface water so that none drains on to any County Highway.

REASON: In the interest of public safety and to prevent damage to the highway.

3. The site access road shall be hardened, surfaced, drained and maintained thereafter to the satisfaction of the Local Planning Authority for a distance of not less than 6.00 metres back from its junction with the public highway.

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

4. The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins, For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

REASON: To ensure that adequate information is available for the proper consideration of the detailed proposals.

5. No part of the development hereby approved shall be commenced until:

- A) The access road has been laid out, kerbed, drained and constructed up to base course level for the first 25.00 metres back from its junction with the public highway
- B) The ironwork has been set to base course level and the visibility splays required by this permission laid out
- C) The footway on the public highway frontage required by this permission has been constructed up to base course level
- D) A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority.

REASON: To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents.

6. Where installed as part of the development, the light source of the proposed floodlighting units should not be directly visible to drivers of vehicles using the public highway.

REASON: To ensure that the floodlighting associated with the proposal / proposed illuminated sign does not result in detriment to the safety of drivers using the public highway.

ENVIRONMENT AGENCY - 3rd March 2015

I refer to the above application and my response dated 25th February 2015, additional information was received on the 26th February 2015.

ENVIRONMENT AGENCY POSITION.

We welcome the use of permeable paving on the car park bays as shown on drawing INC-SA[20]0003 Rev P05, 'SITE PLAN AS PROPOSED'. Inclusion of permeable paving would ensure that the surface water scheme would align with that previously agreed.

A finished floor level of 82.35m A.O.D is sufficient to ensure the store would be free from the risk of flooding from the suds pond, for example in a scenario of the ponds capacity being exceeded.

26th February 2015 - This proposal falls outside the scope of applications which we would normally provide comment on.

The information contained with the applicants 'Drainage Statement dated Nov 2014, are somewhat of a departure from the agreed Peter Brett Associates strategy, we advise that the applicant revises the scheme so as to align with that previously agreed. An element of permeable paving must be incorporated into the design to achieve this, rather than reliance on an underground storage tank. The provision of permeable paving is quite feasible and has been delivered on the existing developed plots within the business park.

The finished floor level of the store should be sufficiently high so as not to be at risk of surface water flooding should the suds schemes capacity, in particular the attenuation pond, be exceeded.

5th January 2015

The site is under 1ha and in Flood Zone 1, therefore standing advice applies.

<http://www.devon.gov.uk/highways-standingadvice.pdf>

WILLAND PARISH COUNCIL - 13th January 2015

Although the current site is designated as business/employment use for B1, B2 and B8 and the current application relates to A1 use the Parish Council take the practical view that this is still a business use which will provide employment on the site which is designated for employment.

It will provide another retail outlet in the village which will make up for the fact that at least two other retail outlets promised on earlier developments in the village did not materialise and developers were permitted to build market housing on the sites instead.

The Parish Council support this application provided attention is given to the following concerns/observations:

1. There are local observations and concerns in relation to drainage and surface water from the site of the Business Park causing issues to nearby properties. The suggestion of importation of inert waste on areas of the Business Park to raise ground levels adds to this concern. Satisfactory drainage provisions which will reassure local residents on this point are sought/required.
2. Pedestrian access to the site from any existing housing will require people crossing one or two busy roads each of which only has a pavement on one side. Parish Council would urge conditions to enhance the pedestrian crossing provision on the roundabout to either have full Zebra or Light controlled crossings. Apart from the daily heavy commercial traffic this roundabout features heavily in diversions from the M5 when there are closures.
3. Consideration is given to any illuminated sign advertising the business being proportionate to a village location and not 'overpowering' the area or aggravating light pollution or road safety issues.

In supporting this application for a retail shop the Parish Council wish it to be noted that under no circumstances should this be seen as in any way supporting or indicating approval, in any form, of the proposed housing on the rest of the Business Park as it is totally opposed to that application.

MID DEVON DISTRICT COUNCIL - TREE OFFICER - 26th February 2015

I am still not quite sure what is happening with the ditch.... I haven't had a chance to look properly, if there is to be no alterations to the ditch and the car park is being built on the other side of it I see no problems, if the ditch is being filled in and car parking put immediately under the tree that is something a little different....

ENVIRONMENTAL HEALTH - 9th March 2015 -

Contaminated land - I have no objections to this proposal

Air quality - I have no objections to this proposal

Drainage - I have no objections to this proposal

Noise and other nuisances - I have no objections to this proposal

Housing standards - N/A

Licensing - No comments

Food hygiene - No objections

Private water supplies - N/A

Health and safety - No objections

HALBERTON PARISH COUNCIL - 16th January 2015

No objections to the proposed application subject to suitable safe pedestrian walkways being provided from the existing housing development (Unanimous)

## REPRESENTATIONS

8 letters of objection have been received summarised as follows:

- Designated for B1, B2, B8 use - A1 flies in face of policy and previous outline consent
- 4 existing outlets, another store is not necessary
- Timing of application is cynical - consultation period falling over Christmas
- The new store will reduce choice for customer as one or more existing outlets in village will close, so will actually mean more people travelling out of village and this disadvantages elderly and those without cars
- Business park not land for retail or housing
- Only 5 min drive to Cullompton shops
- Existing development on Business Park has caused considerable damage to sewerage systems of neighbouring properties by blocking watercourses and building up ground level affecting water table
- Noise nuisance from early morning and late night deliveries and on-site bakery - refrigerated units, reversing warning siren, metal cages being dragged along, back-up generator noise.
- How will pedestrian safety traverse through the 5 spur roundabout to reach the site?
- Need for hydrology report with any future applications

- TV signal has already been interrupted by existing units on site and generators - this application would compound the problem
- Run the risk of losing the Post Office, making life difficult for elderly residents

1 letter of support has been received summarised as follows:

- Convenience of cycling up the road to shop rather than travelling to Cullompton
- Business Park has been empty so this is a good community use

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

The primary material considerations in the determination of this application are:

- Is the development of non B-class use on an allocated employment site acceptable?
- Is a main town centre use acceptable in this location?
- Highway safety
- Impact on the amenity of nearby residents
- Other issues

- Is the development of non B-class use on an allocated employment

The site is located within the defined settlement limit of Willand and is allocated (policy WI1) within the Mid Devon Local Plan Part 3 (Development Management Policies) for B1, B2 or B8 uses. More specifically, Policy WI1 states:

A site of 11.7 hectares is allocated for Business, General Industry and Storage and Distribution uses (classes B1, B2 and B8), subject to the provision of;

- Adequate access into the site for existing units immediately adjacent to the proposal; and
- Provision of a cycle link from Muxbeare Lane to the existing Industrial estate; and
- Provision of a footbridge along the north side of the South View Road bridge over the former railway line

In the case of the current application the proposal is one which will generate in the region of 20-25 jobs. Paragraph 3.13 of LP3 (under the heading 'Employment development within settlement limits') states that whilst employment development has traditionally been taken to mean Use Classes B1, B2 and B8, there is also scope for other uses to be considered as 'employment' if they provide jobs and that the council will accordingly take a 'flexible approach' towards the meaning of employment within Mid Devon. Policy DM21 states that other uses will be permitted, subject to a number of tests, where there is no prospect of employment coming forward. However, given the application falls within the broader definition of employment it is not considered that the provisions of DM21 need to be met, and accordingly the proposed use is acceptable on employment land.

Furthermore, the application area is 0.21 hectares (ha), of a total allocation of 11.7ha, and the development for an alternative employment generating use would not substantially negate opportunities for B-class employment on the remainder of the site. Also, even if the allocated site is reduced in size as per the proposal within the emerging Local Plan Review, there would still remain 2ha undeveloped for future employment development. It is considered that the application is capable of being considered under policy WI1 as employment development. The remaining parts of the Policy (i - iii) are considered further under 'Highway Safety'.

- Is a main town centre use acceptable in this location?

The proposed retail unit falls within the Use Class A1, which is categorised as a 'main town centre use'. National and local policy requires a sequential test to be undertaken for main town centre uses in edge of centre or out of centre locations. Willand is a designated village within the Core Strategy, and does not have a defined town centre, with the nearest being at Cullompton. The applicant states that the purpose of the facility is to meet local needs, with a proposed catchment which primarily covers Willand and some of the surrounding area. It would be an illogical application of the sequential test to require a facility designed to meet local needs to justify why it should not be located elsewhere, e.g. in Cullompton. National planning guidance also notes that certain main town centre uses also have specific market and locational requirements which mean a town centre location is inappropriate. This point would apply to this case. Retail applications are often required to be accompanied by an impact assessment to examine impact on other



similar uses within the catchment area, and on town centre viability and vitality. However, the application, falls below the policy threshold of 500 gross square metres and therefore no assessment can be required. DM19 states that retail development will be permitted within defined villages, providing it meets local needs and is accessible to a range of transport modes. In considering the former point reference can be made to Mid Devon's Retail Study. This was commissioned in 2012 to provide an evidence base to assist in plan-making and decision taking. The study focused primarily on the retail function of the three towns of the district, and did not specifically consider any of the villages. The study divided the district into retail catchment areas, Willand being within Zone 7, along with Cullompton. In examining retail expenditure within Zone 7 it presents a number of findings. About 54% of both main and top up shopping by residents of Zone 7 is undertaken in Cullompton. Only 1% of main shopping is undertaken at stores within the district's villages, this being 29% for top up shopping. These findings indicate that there is scope for increasing opportunities for main shopping at other locations within Zone 7, to draw back trips being lost to Cullompton or elsewhere. This indicates the scope to provide a new retail offer within Willand, not currently available with existing provision, but one which can still cater primarily for local needs. Furthermore, the fact that the proposal falls below the relatively low threshold for examining impact (the threshold is 500 sqm in local policy, whereas the default threshold for national policy is 2,500) is a further indicator of the modest scale and likely impact of the proposal. With regards to the location of the site and its access to a range of transport modes, the Mid Devon Business Park is located within an easy walking distance of bus stops on 2 different bus routes with a regular service. There are designated cycle routes to and from the Four Cross Ways roundabout serving Tiverton Parkway Station and Willand Old Village. The site is also in close proximity to a residential housing estate and industrial estate where residents and employees will be able to travel on foot to the proposed shop facility. The Highway Authority have not raised any objection on the grounds of available transport modes. Accordingly, it is considered that the application is acceptable in terms of national and local planning policy with regards to main town centres uses.

#### c) Highway safety

Concern has been expressed by Willand Parish Council and in some letters of objection regarding the safety of pedestrians crossing the roads leading to the Four Cross Ways roundabout, to access the site. There is also a suggestion that further enhancements be made (such as zebra crossings) to assist pedestrians. The Highway Authority have not indicated that they have any concerns regarding pedestrian safety and in fact, each arm of the roundabout (including the one in to the Business Park itself) has a dropped curb with tactile paving and a central pedestrian bollarded refuge area. There are pavements right up to and around the roundabout and therefore on this basis, it is considered that pedestrians are adequately catered for. However, at the time of writing this report, a response was awaited from the Highway Authority on this particular issue and it is anticipated an update on this can be provided at committee.

On the South View Road arm of the roundabout, a pedestrian walkway has recently been provided (as required by policy W11 III) which enables pedestrians to reach the Business Park from South View Road, without the need to walk on the road. With regard to the remainder of the provisions of policy W11, the application does not prevent but nor could it assist with 'Adequate access into the site for existing units immediately adjacent to the proposal;' (as required by criteria I) of W11 and 'Provision of a cycle link from Muxbeare Lane to the existing Industrial estate' (as required by criteria II) of W11. Subject to no adverse comments being received on pedestrian safety from the Highway Authority, the proposal is considered to be acceptable. An update on this will be provided to committee.

#### d) Impact on the amenity of nearby residents

Concern has been expressed about the impact of the development, particularly from the noise of deliveries etc, on the amenity of local residents. The functioning of a retail unit will undoubtedly necessitate early morning and late night deliveries, reversing sirens, customer vehicles arriving and departing, refrigeration units, air conditioning units, metal wheeled delivery cages being pulled across the service yard etc. The closest residential property to the site is 'Toodle Pip' which is 35m away to the north east. After that, the nearest residential properties are those in Campion Court on the opposite side of the roundabout at 91m distant. It is accepted that there will be noise associated with this development but consideration needs to be given to the level of noise generated, the type and times of noise generated and whether any suitable measures can be put in place to mitigate against any adverse impact of them on the occupiers of neighbouring residential properties. The consultation comments from Environmental Health on this specific

issue were awaited at the time of writing this report and an update will be provided to planning committee.

e) Other issues

There is an existing substantial oak tree adjacent to (and outside) the southern eastern corner of the site. The Tree Officer has advised that there is unlikely to be any adverse impact from the development works on the tree itself given the large drainage ditch located between the base of the tree and the edge of the site. Concern has been expressed that the provision of this additional retail facility in the village may result in the closure and loss of existing retail facilities. However, this is a 'competition' issue and is not a material planning consideration which carries weight in the consideration of this application. Concern has been expressed that existing developments at the Business Park have resulted in 'considerable damage to sewerage systems of neighbouring properties'. However, it is proposed that the application scheme is linked to the existing mains drain and there are no proposals to block existing watercourses or raise the land, with site and floor levels being subject of a pre-commencement condition.

Concern has been expressed that television reception to one property has been affected since the development of the Business Park and it is claimed, relates to the use of generators. However it is not considered that this is a material planning consideration which carries weight in the consideration of this application. Back in 2009/10 a series of meetings were held with the landowner, residents, elected members, parish council and Environment Agency (EA) regarding the concerns of residents of Muxbear Lane about changes to the water table etc since the site has been developed. This is an application where the Environment Agency usually advise the Local Planning Authority to consider their standing advice. However, a bespoke response on this proposal has been requested and at the time of writing this report the applicants were seeking to address the concerns raised by the Environment Agency in that response.

## 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. No development shall take place until a surface water drainage scheme together with details of how it will be managed and maintained post-construction have been submitted to and approved in writing by the Local Planning Authority. Unless it is demonstrated that it is unfeasible to do so, the scheme shall use appropriate Sustainable Urban Drainage Systems. The drainage scheme shall be designed so that there is no increase in the rate of surface water runoff from the site resulting from the development and so that storm water flows are attenuated. The development shall be carried out, managed and maintained in accordance with the approved scheme.
4. In accordance with details that shall previously have been submitted to, and approved in writing by the Local Planning Authority, provision shall be made within the site for the disposal of surface water so that none drains on to any County Highway.
5. The site access road shall be hardened, surfaced, drained and maintained thereafter to the satisfaction of the Local Planning Authority for a distance of not less than 6.00 metres back from its junction with the existing Mid Devon Business Park estate road.
6. The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins, For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.
7. No part of the development hereby approved shall be commenced until:
  - A) The access road has been laid out, kerbed, drained and constructed up to base course level for the first 25.00 metres back from its junction with the existing Mid Devon Business Park estate road
  - B) The ironwork has been set to base course level and the visibility splays required by this permission

laid out

C) The footway on existing Mid Devon Business Park estate road frontage required by this permission has been constructed up to base course level

D) A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority.

8. Where installed as part of the development, the light source of the proposed floodlighting units should not be directly visible to drivers of vehicles using any public highway.
9. All planting, seeding, turfing or earthworks comprised in the approved details of landscaping as shown on the submitted plans, shall be carried out within 9 months of the substantial completion of the development, (or phase thereof), whichever is the sooner; and any trees or plants which within a period of five years from the implementation of the scheme (or phase thereof) , die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
10. No development shall commence until existing and proposed site levels and finished floor levels have been submitted to and approved in writing by the Local Planning Authority. Work on site shall thereafter be carried out in accordance with the agreed details.

### **REASONS FOR CONDITIONS**

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. To protect water quality and minimise flood risk.
4. In the interest of public safety and to prevent damage to the highway.
5. To prevent mud and other debris being carried onto the public highway.
6. To ensure that adequate information is available for the proper consideration of the detailed proposals.
7. To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents.
8. To ensure that the floodlighting associated with the does not result in detriment to the safety of drivers using the public highway.
9. To ensure that the development makes a positive contribution to the character and amenity of the area in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies).
10. To ensure that there is no raising of levels on site which may affect the overall drainage strategy for the site but to ensure the building is sufficiently high so as not to be at risk of surface water flooding should the SUDS schemes capacity, in particular the attenuation pond, be exceeded.

### **REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT**

The site is allocated (policy WI1) within the Mid Devon Local Plan Part 3 (Development Management Policies) for B1, B2 or B8 uses. Whilst employment development has traditionally been taken to mean Use Classes B1, B2 and B8, there is also scope for other uses to be considered as 'employment' if they provide jobs and accordingly the Local Planning Authority have taken a 'flexible approach' towards the meaning of employment within Mid Devon. The principle of this development which will create in excess of 20 jobs is considered to comply with policy WI1. Mid Devon's Retail Study indicates the scope to provide a new retail offer within Willand, not currently available with existing provision, but one which can still cater primarily for

local needs. Furthermore, the proposal falls below the relatively low threshold for examining impact (the threshold is 500 sqm in local policy, whereas the default threshold for national policy is 2,500) indicating the modest scale and likely impact of the proposal. Highway safety and amenity together with other issues raised in letters of objection and consultee responses have all been considered and with appropriate conditions, the Local Planning Authority consider that any significant adverse impacts may be mitigated. Consequently the proposal is considered to comply with policies COR1, COR2, COR11 and COR17 of Mid Devon Core Strategy (Local Plan 1) and policies DM2, DM17, DM19, DM21 and WI1 of Mid Devon Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework

Application No. 14/02132/FULL

Plans List No. 2

Grid Ref: 296034 : 112953

Applicant: Trinity Moor Ltd

Location: Former Hare &  
Hounds 138 Chapel  
Street Tiverton Devon

Proposal: Conversion and  
extension of former  
public house into six  
dwellings

Date Valid: 19th December 2014



## **Application No. 14/02132/FULL**

### **RECOMMENDATION**

Grant permission subject to conditions.

### **CLLR NEAL DAVEY HAS REQUESTED THAT THIS APPLICATION BE DETERMINED BY THE PLANNING COMMITTEE FOR THE FOLLOWING REASON:**

**To consider the impact the proposed plans will have on the amenity and safety of residents and pedestrians.**

### **PROPOSED DEVELOPMENT**

The application is for the conversion of a former public house into six dwellings. The main public house is to be converted into four 2 bedroom dwellings and the former skittle alley to the rear is to be converted into two 1 bedroom dwellings.

The frontage of the public house is to remain as exists. However, existing single storey extensions to the rear of the public house are to be removed and a small two storey extension erected to provide additional accommodation to plot 1. Part of the skittle alley is to be removed, reducing its overall length, and the existing mono-pitched roof is to be replaced with a new hipped roof over the remaining section.

To the rear within the former public house garden, each dwelling is to be provided with private amenity space. The two bedroom dwellings will be provided with two parking spaces each, and the one bedroom dwellings with one parking space each (10 parking spaces in total). Access will be via an existing private lane which serves a number of other dwellings and which will be upgraded.

### **APPLICANT'S SUPPORTING INFORMATION**

Planning, design and access statement  
Flood risk assessment

### **PLANNING HISTORY**

A linked application for two dwellings on the former public house car park under reference 14/02129/FULL has been withdrawn.

### **DEVELOPMENT PLAN POLICIES**

#### **Mid Devon Core Strategy (Local Plan 1)**

COR2 - Local Distinctiveness  
COR11 - Flooding  
COR13 - Tiverton

#### **Mid Devon Local Plan Part 3 (Development Management Policies)**

DM2 - High quality design  
DM8 - Parking  
DM14 - Design of housing  
DM15 - Dwelling sizes

### **CONSULTATIONS**

DEVON COUNTY EDUCATION - 7th January 2015

Following receipt of your letter regarding the above planning application. A contribution towards education infrastructure via a Section 106 Agreement is sought.

All developments once approved will be deemed built and therefore affect the forecast pupil numbers at the schools within the area.

The primary schools within 1.5 mile radius of this development are deemed over capacity. This development of 6 dwellings is expected to produce 1.5 primary aged pupils which will increase the shortfall of pupil places. The contribution required is £17,043.75 which would be used to increase education facilities in the area of development which includes a contribution towards ICT equipment required.

The secondary schools within the development area is Tiverton High which currently has capacity for the 0.9 secondary aged pupils expected to be created by this development, therefore a contribution is not sought for Secondary School Places.

In addition to the contribution figures quoted above, the County Council would wish to recover legal costs incurred as a result of the preparation and completion of the Agreement. Legal costs are not expected to exceed £500.00 where the agreement relates solely to the education contribution. However, if the agreement involves other issues or if the matter becomes protracted, the legal costs are likely to be in excess of this sum.

\*These contributions should be adjusted on the date of payment in accordance with any increase in Building Cost Information Service (BCIS) all in tender price index.

ENVIRONMENT AGENCY - 26th February 2015

I refer to my response dated 7th January 2015 and the additional information received on the 19th February 2015.

ENVIRONMENT AGENCY POSITION.

Whilst we welcome the proposed flood resilience measures we feel that the option of making the building resistant to flooding should very much be explored.

Flood resistant techniques intend to preclude water from buildings rather than resilience measures which aim to limit the amount of damage that could occur should water enter a building. The latest measures proposed are resilience measures. Bearing in mind that the usage sought in residential, and that potential flooding depths are likely to be shallow, it could be reasonably argued that flood resistant construction would better align with the NPPF.

We advise that the option of providing proprietary built flood doors, and other flood resistant construction measures, as highlighted in our letter of the 7th January 2015, be explored and implemented.

7th January 2015

We object to this proposal until such time that the applicants Flood Risk Assessment (FRA) better demonstrates the risk of flooding to the lower parts of the building, and that measures be proposed that would reduce the risk of internal flooding.

The site sits on the fringes of the floodplain (including Flood zones 3 and 2) of the River Lowman. It is also on the edge of an area at risk of localised surface water flooding, and flooding from the adjacent Moorhayes Stream. Indications are that the ground floor of plots 1 to 4 would be at risk of shallow flooding during a 1% annual probability event taking into account the effects of climate change. Whilst we would support the principle of raising the ground floor by '150mm' it is feasible that this may not remove the risk of flooding.

We advise that the building be made resistant to flooding to a level of 56.50m. This may involve techniques such as tanking, fitting non return valves, fitting flood gates and air brick covers, etc and/or raising the ground floor further if feasible.

11th March 2015 -

I refer to the above application and our responses dated 7th January 2015 and 26th February 2015, a document named Scheme for Resilience in Construction Rev A was received on the 10th March 2015.

#### ENVIRONMENT AGENCY POSITION.

We are able to withdraw our objection to the proposal providing development proceeds in accordance the submitted Flood Risk Assessment and the resilience measures proposed in the above document

#### HIGHWAY AUTHORITY - 15th January 2015

The Highway Authority have considered this application in conjunction with application 14/02129/FULL as they are linked in terms of existing traffic generations, in the same ownership, and have access over the same drive, and they should in highway terms be considered in the round. The existing public house has the benefit of a car park for some 10 vehicles and is accessed from a private road which is substandard in part due to its width and alignment. This road not only serves the pub but a number of other properties. The combined traffic generation of the two residential developments would be something in the region of 50 vehicle movements and the Public house would generate 296 movements when assessed by TRIC's data, the location and nature of this public house would suggest that a significantly lower generation would be applicable, but would with a parking court of 10 spaces be likely to equate to that generated by the proposals. Therefore the Highway Authority has no objection to the above proposals. The construction of the 8 dwellings is likely to attract Advanced payment code charges as it would be considered as the setting up of a private street to this end the existing road should be brought up to a standard suitable for adoption, and should it remain private a suitable maintenance company or regime set up to exempt the payment, therefore should consent be granted the following condition should be imposed.

#### Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, MAY WISH TO RECOMMEND CONDITIONS ON ANY GRANT OF PLANNING PERMISSION

1. The proposed estate road, junctions, street lighting, sewers, drains, service routes, surface water outfall, road maintenance/vehicle overhang margins, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins, For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

REASON: To ensure that adequate information is available for the proper consideration of the detailed proposals.

2. No development shall take place until a surface water drainage scheme has been submitted to and approved in writing by the County Planning Authority. Unless it is demonstrated that it is unfeasible to do so, the scheme shall use appropriate Sustainable Urban Drainage Systems. The drainage scheme shall be designed so that there is no increase in the rate of surface water runoff from the site resulting from the development and so that storm water flows are attenuated. The development shall be carried out in accordance with the approved scheme.

REASON: To protect water quality and minimise flood risk

#### TIVERTON TOWN COUNCIL - 21st January 2015

There is a major parking problem in the area and a potential flooding problem. Therefore Tiverton Town Council unable to support this application

#### ENVIRONMENTAL HEALTH - 7th January 2015

Contaminated Land - no objections to this proposal

Air Quality - no objections to this proposal



Waste & Sustainability  
Drainage - no objections to this proposal  
Noise & other nuisances - no objections to this proposal  
Housing Standards - no objections to this proposal  
Licensing - Not applicable  
Food Hygiene - Not applicable  
Private Water Supplies - Not applicable  
Health and Safety - No objections

## REPRESENTATIONS

1 letter of support summarised as follows:

1. The closed pub is currently an eyesore.
2. Since it has closed there has been a reduction in anti-social behaviour.
3. The objections of the Town Council with regard to flooding and traffic should be considered in a measured way.
4. Adequate parking is being provided for the proposal and the application should not be refused on that basis.
5. The pub should be put to a more productive use.

2 letters of objection summarised as follows:

1. The application (together with the associated application 14/02129/FULL) shows parking for 10 vehicles which would increase vehicular movements in Chapel Street as customers generally walked to the pub.
2. The junction is substandard with poor visibility and vehicles would be crossing a footpath which is used by students and pupils.
3. The sewerage system is inadequate and does not comply with current standards as both foul and run-off use the same drainage system.
4. The development would affect the right of access to adjacent properties.
5. If the development removes the area of garden of the pub that helps to absorb rainwater, surface water flooding may increase.

## MATERIAL CONSIDERATIONS AND OBSERVATIONS

The key issues in determination of this application are:

1. **Loss of community facility**
2. **Design and layout**
3. **Highway safety and parking**
4. **Flood risk and drainage**
5. **Effect on neighbouring residents**
6. **Section 106**

### 1. Loss of community facility

Policy DM25 of the Mid Devon Local Plan Part 3 (Development Management Policies) states that the loss of community facilities such as public houses will not be permitted where this would damage the settlement's ability to meet its day to day needs or result in the total loss of such services to the community.

The Hare & Hounds is in a residential area approximately 0.5 km from Tiverton town centre where there is a range of community facilities, including a number of public houses. It is not considered that the loss of the public house would damage the settlement's ability to meet its day to day needs, and would not result in the total loss of public houses in the community.

The proposal is considered to comply with policy DM25 of the Mid Devon Local Plan Part 3 (Development Management Policies).

### 2. Design and layout

The main public house building is to be retained as it currently exists although the existing single storey flat roofed extensions to the rear are to be removed. A considerably smaller two storey extension (4.5 metres x 4 metres) is to be erected to the rear to serve plot 1 and provide at kitchen a ground floor level and bedroom at first floor level. The extension will have a hipped roof to match the existing roof with a ridge height approximately 1.6 metres below the ridge line of the existing roof.

The skittle alley to the rear currently has a very shallow mono-pitched roof. The rear wall of the skittle alley forms the boundary with the neighbouring dwelling. Following discussions with the agent, it is now proposed to reduce the length of the existing skittle alley by approximately 4.7 metres by removing the part closest to the public house and to replace the existing roof with a shallow hipped roof. The rear wall will be retained along the length of the boundary.

Each dwelling will be provided with a private garden, plots 1-4 to have gardens to the rear of the main building and plots 5-6 to have gardens to front of the skittle alley. The gardens will be landscaped to provide patio and lawn areas.

Your officers consider that the conversion would retain the existing character and appearance of the public house and its appearance would be improved through the removal of the flat roofed extensions to the rear and by bringing the building back into use. The design of the development is considered to comply with policy COR2 of the Mid Devon Core Strategy (Local Plan Part 1) which requires high quality design which reinforces the character and legibility of Mid Devon's built environment and creates attractive places, and DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies) which seeks development that demonstrates an understanding of the site and the surrounding area, is well integrated with surrounding buildings, streets and landscapes and which makes efficient and effective use of the site.

Each dwelling would provide a reasonable level of accommodation and adequate amenity space. The development is considered to comply with DM14 of the Mid Devon Local Plan Part 3 (Development Management Policies) which sets out a number of criteria in respect of the design of housing, including adequate levels of daylight, sunlight and privacy for future occupiers, suitably sized rooms and overall floorspace, and with policy DM15 of the Mid Devon Local Plan Part 3 (Development Management Policies) which sets out minimum dwelling sizes.

### **3. Highways issues and parking**

It is proposed that each dwelling will have off-street parking to the rear of the public house, accessed via a private lane which serves a number of other dwellings and the former pub car park.

The access lane is narrow at its entrance being between two buildings and has poor visibility onto Chapel Street and concern has been raised by objectors that the proposal will have a negative impact on highway safety.

The National Planning Policy Framework states that planning permission should only be refused on highways grounds where the residual cumulative impact is severe. The Highway Authority has considered the potential for traffic generation from existing (public house) and proposed (residential) uses. Having assessed the combined traffic generation of the two residential associated developments (one the subject of this application and one now withdrawn), the Highway Authority considers that the existing traffic generation is likely to equate to that generated by the proposals. It therefore has no objections to the proposals.

Policy DM8 of the Mid Devon Local Plan Part 3 (Development Management Policies) seeks a minimum car parking standard of 1.7 spaces per dwelling. The proposal is to provide a total of 10 parking spaces for the development (two parking spaces for each of the four two bedroom dwellings, and one parking space for each of the two one bedroom dwellings). Your officers consider this to be acceptable for the level of development being provided.

Although Chapel Street is reasonably close to the town centre and public transport, parking in this area is at a premium and this is not an area where parking provision that falls considerably below the standards in policy DM8 should be permitted.

### **4. Flood risk and drainage**

The site lies within Flood Zones 2 and 3 and is on the edge of an area at risk of localised surface water

flooding, and flooding from the adjacent Moorhayes Stream. COR11 of the Mid Devon Core Strategy (LP1) seeks to guide development to the most sustainable locations with the lowest flood risk by applying a sequential test, and locate appropriate development in areas of higher flood risk only where the benefits outweigh the risk of flooding. The policy also seeks to ensure that development does not increase the risk of flooding elsewhere.

The proposal is to convert an existing building. The Environment Agency's guidance on applying the flooding sequential test states that changes of use such as the one proposed does not require application of the sequential test in respect of siting development in areas least likely to flood. However, it is still necessary to ensure that risks of flooding are understood and can be adequately mitigated for.

The Environment Agency stated that indications are that the ground floor of plots 1 to 4 would be at risk of shallow flooding during a 1% annual probability event taking into account the effects of climate change. They are concerned that the submitted Flood Risk Assessment does not adequately assess the risk of flooding to the lower parts of the building or adequately detail measures to reduce the risk of internal flooding. Whilst they would support the principle of raising the ground floor by 150mm, it is feasible that this may not remove the risk of flooding. The Environment Agency advises that the building be made resistant to flooding to a level of 56.50m. This may involve techniques such as tanking, fitting non return valves, fitting flood gates and air brick covers, etc and/or raising the ground floor further if feasible.

Revised drawings have been received raising floor levels by 200 mm and a revised Flood Risk Assessment has been received which outlines flood mitigation measures. The Environment Agency has confirmed that its initial objection has been withdrawn. The proposal is considered to comply with policy COR11 with regard to flood risk.

As the proposal involves the conversion of an existing building, discharge of surface water into the main sewer already takes place. As the footprint of the building is to be reduced, there would be a reduction in surface water discharge from the buildings and the amount of surface water discharging onto the ground will not increase. At present, the pub garden is part grass and part hard surfaced. The proposal shows the private gardens having grassed areas and permeable hard surfacing. Subject to permeable materials being conditioned, it is not considered that there will be an increase in impermeable hard surfacing such that it would cause any additional surface water run-off.

The proposal is considered to comply with policy COR11 with regard to flood risk.

## **5. Effect on neighbouring residents**

The main public house building is to remain very much as it exists and your officers do not consider that the development would lead to any unacceptable loss of privacy or amenity for neighbouring occupiers.

The initially submitted plans for the skittle alley had the potential to be overbearing on the neighbouring dwelling and to overshadow windows in the rear of the house and a private garden. Your officers have negotiated an improvement to the design of the converted skittle alley and the revised plans show part of the skittle alley closest to the neighbouring dwelling being removed, and the roof replaced with a shallow, hipped roof, rather than a steep pitched roof as previously proposed. These alterations are considered to reduce the potential impacts on the neighbouring residents to an acceptable level, in accordance with policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies) which does not permit new development that would have an unacceptably adverse effect on the privacy and amenity of neighbouring properties and uses.

## **6. Section 106**

The development is below the new Government threshold for the provision of affordable housing or a financial contribution towards public open space. However, Devon County Council has requested a financial contribution of £11,361.52 towards primary education to address a shortfall in provision which would be directly related to the increase in residential units provided by the development. The one bedroom units are exempt as they are not considered to be family-sized units. The applicant has agreed to provide this contribution by entering into a unilateral agreement directly with Devon County Council.

## CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. The proposed estate road, junctions, street lighting, sewers, drains, service routes, surface water outfall, road maintenance/vehicle overhang margins, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction together with a timetable for implementation shall be submitted to the Local Planning Authority.
4. No development shall take place until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. Unless it is demonstrated that it is unfeasible to do so, the scheme shall use appropriate Sustainable Urban Drainage Systems. The drainage scheme shall be designed so that there is no increase in the rate of surface water run-off from the site resulting from the development and so that storm water flows are attenuated. The development shall be carried out in accordance with the approved scheme which shall be thereafter permanently retained and maintained in accordance with a Maintenance Programme which shall be submitted to and approved by the Local Planning Authority prior to first occupation of any of the accommodation hereby granted.
5. The development shall be implemented in accordance with the submitted Scheme for Resilience in Construction Rev A dated 10 March 2015.
6. Before their installation on the development hereby permitted, details of the external windows and doors (including details of how the windows shall be recessed into the walls) shall be submitted to, and approved in writing by, the Local Planning Authority. Installation of the windows and doors shall be in accordance with the approved details and shall be so retained.
7. No hard landscaping works in the areas shown on the approved plan(s) shall begin until details/samples of the surfacing materials to be used in those areas have been submitted to, and approved in writing by, the Local Planning Authority. Such approved works shall then be carried out before the development hereby permitted is first brought into its permitted use, (in any phase)\* and shall be so retained.
8. No development shall begin until there has been submitted to, and been approved in writing by, the Local Planning Authority a plan indicating the height, positions, design, materials and type of boundary treatment to be erected on the site and a timescale for its implementation. The boundary treatment so approved shall be completed in accordance with the approved details and shall be so retained.
9. Notwithstanding the provisions of Article 3 of The Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) Amendment (No.2) Order 2008 (or any Order revoking and re-enacting that Order with or without modification) no development of the types referred to in Classes A, B, C, D of Part 1, relating to alteration or extension to dwellings or their roofs, including new windows and door openings, shall be undertaken without the Local Planning Authority first granting planning permission.

## REASONS FOR CONDITIONS

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

2. For the avoidance of doubt and in the interests of proper planning.
3. To ensure that adequate information is available for the proper consideration of the detailed proposals in accordance with policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.
4. To minimise flood risk in accordance with policy COR11 of the Mid Devon Core Strategy (Local Plan Part 1).
5. To minimise flood risk in accordance with policy COR11 of the Mid Devon Core Strategy (Local Plan Part 1).
6. To ensure details appropriate to the development in order to safeguard the visual amenities of the area in accordance with policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).
7. To ensure the use of materials appropriate to the development in order to safeguard the visual amenities of the area in accordance with:  
  
Local Plan Part 3 (Development Management Policies) DM2
8. To safeguard the character and amenities of the area in accordance with Policy DM2 of Local Plan Part 3 (Development Management Policies).
9. To safeguard the visual amenities of the area and protect the privacy of neighbouring occupiers in accordance with  
  
Mid Devon Core Strategy 2 (Local Part 1) Policy COR2  
Local Plan Part 3 (Development Management Policies) DM2

## **REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT**

The principle of converting the former public house and skittle alley is considered to be acceptable in principle and is not considered to be an unacceptable loss of a community facility. The layout and design are considered to provide a good standard of accommodation and parking and amenity space is to be provided for each unit. The existing access will be upgraded and the proposal is not considered to materially increase traffic using the lane. Change of use of an existing building to residential use does not require the flooding sequential test to be applied however flood mitigation will be incorporated into the development and the proposal is not considered to lead to flooding elsewhere. The development is not considered to lead to an unacceptable impact on the privacy and amenities of neighbouring residents. The proposal is considered to comply with the relevant policies: COR2, COR11 and COR13 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2, DM8, DM14 and DM15 of the Mid Devon Local Plan Part 3 (Development Management Policies).

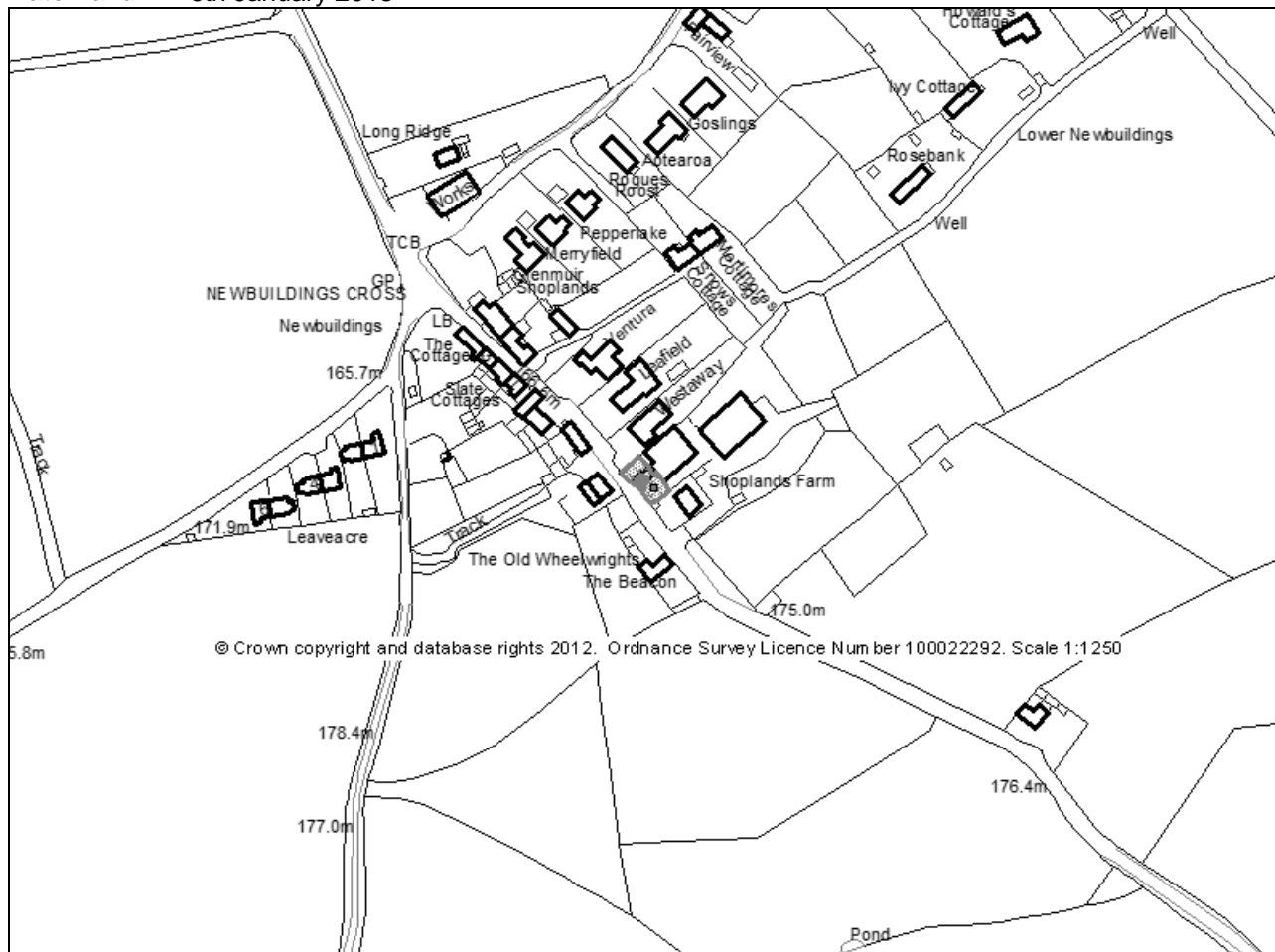
**Grid Ref:** 279616 : 103438

**Applicant:** Mr J Sanders

**Location:** The Old Forge  
(Adjacent To Hill View  
Farm) New Buildings  
Sandford

**Proposal:** Erection of dwelling  
following demolition of  
existing partially  
demolished barns

**Date Valid:** 6th January 2015



## **Application No. 15/00011/FULL**

### **RECOMMENDATION**

Refuse permission.

### **CLLR MICHAEL LEE HAS REQUESTED THAT THIS APPLICATION BE DETERMINED BY THE PLANNING COMMITTEE FOR THE FOLLOWING REASONS:**

1. To consider the historic integrity of the street scene that was formed by the forge
2. To consider the character of the proposed dwelling in relationship to surrounding buildings
- 3 To consider the mainly residential nature of the surrounding area.

### **PROPOSED DEVELOPMENT**

The proposed development is for works to the remains of a redundant property known as 'The Old Forge' to construct a new chalet-style 2- bed dwelling in the same location.

The proposal is to demolish the remaining stone walls of The Old Forge, and a linked dilapidated small barn. The main building is understood to have at one time been occupied by the village blacksmith; more recently, it is stated that it has been used for general agricultural uses. In February 2014, the roof and most of the walls of the main building were removed from the main building due to safety concerns by Building Control. Since this date, the buildings have been left vacant, with the general footprint and height of the former Forge building still being partially evident.

The new dwelling has been designed to appear as a single storey by using a chalet bungalow building form with rooms in the roof. The size and mass of the new dwelling will generally match the dimensions of the former building: it is shown as measuring 10.2m x7m x 6.1m (height to ridge), with an additional rear lean-to extension to the rear (north east elevation), to incorporate ground floor utility/WC and extended dining room, all contained within the general footprint of the part-demolished building. The external walls will be finished with local natural stonework with exposed timber lintels over openings. A section of timber cladding has been incorporated within the principal (south west/road facing) elevation to reflect the former style of The Old Forge. The design also includes for 2 no. timber stained double glazed casement windows at ground floor level, front elevation, with 2 no. roof lights above. Other windows include similar style smaller casements to the north west and north east elevations, with an additional roof light in the north east roof plain.

Access to the development will be via a current vehicular access which will be widened and improved. The main entrance to the property will be to the side (north west elevation) to avoid opening directly on to the road. 2 no. pull-in parking bays will be created on this side to provide the required level of parking and to allow for vehicles to ingress and egress in a forward gear.

The stone wall along the immediate roadside boundary of the parking space will be 0.6m high: allowing for the parking, there will be a small area of curtilage approximating to the total footprint area of the property on this side, and to be paved or gravel-surfaced (to allow for an existing private right of way to be maintained to the neighbouring Dutch barn beyond the curtilage, to the rear), and with a small additional area set aside for garden with a 1.8m high stone built side boundary wall ;the curtilage also extends beyond the building, to the rear, to allow for access and for maintenance etc. An area of hard standing will also be provided behind the property for the storage of waste and recycling wheelie bins.

Surface and foul water will discharge into the mains sewer.

The site is located on the eastern side of the small hamlet of New Buildings being on a Class III country road (30 mph limit) through the settlement heading towards Sandford (approx. 3.5 kms to the south east). Copplestone lies approx. 2.5 kms to the south west. The hamlet consists of a mix of some 21 traditional thatched cottages and modern properties, including bungalows to the north west of the site.

### **APPLICANT'S SUPPORTING INFORMATION**

Preliminary Contamination Assessment Report - received 4th March 2015  
Ecological Statement - dated 5th January 2015, prepared by Agent  
Additional Photographic Evidence  
Planning and Design Statement

## **PLANNING HISTORY**

None relevant.

## **DEVELOPMENT PLAN POLICIES**

### **Mid Devon Core Strategy (Local Plan 1)**

COR1 - Sustainable Communities  
COR2 - Local Distinctiveness  
COR3 - Meeting Housing Needs  
COR9 - Access  
COR18 - Countryside

### **Mid Devon Local Plan Part 3 (Development Management Policies)**

DM1 - Presumption in favour of sustainable development  
DM2 - High quality design  
DM8 - Parking  
DM10 - Rural workers dwellings  
DM11 - Conversion of rural buildings  
DM12 - Replacement dwellings in rural areas  
DM27 - Development affecting heritage assets

## **CONSULTATIONS**

HIGHWAY AUTHORITY - 15th January 2015

Standing advice applies please see Devon County Council document <http://www.devon.gov.uk/highways-standingadvice.pdf>

SANDFORD PARISH COUNCIL - 10th February 2015

No objection subject to concerns over access on to the highway from the proposed dwelling. Also it was felt in view of the traffic issue it would be preferable if the two parking spaces were assessed off site rather than from the highway.

ENVIRONMENTAL HEALTH - 23rd January 2015

Contaminated land - There is no supporting information in respect of land contamination risks provided in support of this application.

Our contaminated land and historic mapping records are not sufficiently clear at this location/for this size of plot and the previous use of the building was as a blacksmiths workshop. Consequently, we cannot be certain of the site history therefore we recommend as a minimum that a Phase I contaminated land risk assessment be carried out. This should be provided prior to determination of the application in order to advise on probable risks from land contamination and if further Phase II-IV contaminated land assessments should be provided via appropriate conditions. This is consistent with the introduction of a new sensitive/vulnerable land-use, in this case a proposed residential dwelling (see Question 14 on 1App application form).

A Phase I assessment should also provide additional information on the current status of the site including any contemporary potential sources of contamination e.g. heating oil tanks, asbestos containing material, waste/fly-tipped deposits, localised in-filling or raised ground and small vehicle workshops etc.

In the absence of the above we recommend refusal of the application on the grounds of insufficient information.



Air quality - I have no objections to this proposal

Drainage - I have no objections to this proposal

Noise and other nuisances - I have no objections to this proposal

Housing standards - I have no objections to this proposal

Licensing - No comments

Food hygiene - N/A

Private water supplies - Further information is required prior to any comment. No record is held as being a private supply. However, if a private water supply is serving any other associated dwelling, the supply would become a small private supply and subject to the Private Water Supply Regulations 2009. As such a private water risk assessment and sampling regime will need to be undertaken by this Authority prior to any residential or commercial use.

Health and safety - No objections

19th March 2015 - Contaminated Land

I agree with the recommendations in the Ruddlesden Geotechnical report and the following will be required:

### 1. Site Characterisation

A Phase 2 intrusive investigation and risk assessment, as recommended in the report provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,

- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,

- adjoining land,

- groundwaters and surface waters,

- ecological systems,

- archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

### 2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority.

The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

### 3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed

in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

#### 4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

## REPRESENTATIONS

There has been 1 general letter of support received from the occupiers of the following nearby properties:

Glenmuir; Fairfield Paddock; Rosebank; Howards Cottage; Sutton View; Ridgeway. Main points made:

The property has been an eyesore for 25 years prior to its collapse and then partial demolition as a dangerous building

The application provides an opportunity to not only tidy up the site but to provide modest accommodation for perhaps a young family

It is to be welcomed

2 other neighbour letters of objection have been received; main concerns relate to:

Traffic/highway concerns relating to proposed access arrangements: particularly given right of way access into the nearby Dutch barn.

The Old Forge is located in narrowest part of the road through the village: where regular (daily) traffic problems occur with regard to agricultural contractor vehicles, buses, general traffic etc.

Inaccuracies in the submitted Design and Access Statement: the former use of the site was as a store and workshop and so it added very little traffic to the village: the proposed development will add to traffic to the local area

Loss of privacy/amenity to adjoining property: road facing windows will look directly into the rear garden of house opposite.

## MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

- 1. Development in the open countryside.**
- 2. Other impacts**

### Development in the open countryside

The site is located in the small hamlet of New Buildings which has no settlement boundary and is classed as being the open countryside.

The Mid Devon Local Plan Part 3 (Development Management Policies) and Policy COR18 of the Mid Devon Core Strategy (Local Plan Part 1) restricts new dwellings in the open countryside with only limited exceptions. That is, for the provision of a rural worker's dwelling (see Policy DM10), the conversion of rural buildings (see Policy DM11), and for the replacement of existing dwellings in rural area (Policy DM12 relates). This report will consider the proposed development against each policy in turn.

## Policy DM10 - Rural workers dwellings

The policy notes that, in order to promote sustainable patterns of development, rural workers will unusually be expected to find housing in existing rural communities. However, the policy allows for an exception to this rule in certain limited cases.

Policy DM10 states that applications for rural workers dwellings will be permitted where 4 key criteria are met, summarised as follows:

- a) The demonstration of an essential need for a full-time rural worker to live permanently at or near their place of work
- b) A demonstration that such a need cannot be met within a nearby settlement at or near the site or through conversion of a suitable redundant or disused rural building at the site
- c) That the size and scale of the dwelling is commensurate with the scale of the rural business operation and its location
- d) That the rural business has been established for at least 3 years and is financially sound and has a clear prospect of remaining so.

In terms of the current proposals, it is evident that the detail of that policy and the specific criteria as set out are not addressed in the application, nor is this policy discussed in the policy consideration provided by the applicant. The application simply states that the proposed dwelling is intended to utilise a redundant brown-field site within the small village to provide a new chalet-style bungalow and that the previous agricultural use will be changed to residential: the development is understood to be intended to simply provide for a new open-market dwelling in this rural location.

No evidence has been presented by the applicant to justify the dwelling in the context of the nature and demands of an existing rural business. The proposal cannot therefore be justified as an exception to the control of new dwellings on this basis and is accordingly contrary to Policy DM10.

## Policy DM11 - Conversion of rural buildings

Policy DM11 allows for the conversion of redundant or disused rural buildings of substantial and permanent construction which positively contribute to an area's rural character for residential use where 4 criteria are met:

- a) That a suitable access to the building is in place or can be created without damaging the surrounding area's rural character and that the road network can support the proposed use
- b) That the building can be converted without significant alteration, extension or rebuilding
- c) That the design retains the original building character and its surroundings
- d) That the development retain any nature conservation interest associated with the site or building, and provide net gains in biodiversity where possible.

In considering the application against this policy, it is evident that the original building known as The Old Forge has occupied the site since at least the late C19 (it is referred to as 'The Smithy' on the 1889 OS Map) and would have contributed to the general built historic form and character of the area. Historically, it is understood that the village formed a coaching-inn stop on the Exeter to Barnstaple route, and which necessitated the formation of the smithy and also a separate wheelwrights, close by.

At this time, The Old Forge site comprised two buildings separated by a central access way. The building (previously known as The Smithy and reflecting its original function) is labelled as such on OS maps up until as late as 1970, when it seems to have become known by its present name. The building - based on the submitted photographic evidence together with the physical evidence of remaining sections of structure - was clearly of stone masonry construction with concrete flooring. It would previously have had a corrugated iron roof and the site also appears to have contained a well. More recent photographs indicate that the roofing was subsequently changed to natural slate. It seems likely that, as a redundant traditional-style rural building, it would have been eligible for more positive consideration for conversion to a dwelling, under Policy DM 11, subject to all other material considerations being also met.

In considering the present application against criterion a), above, note has been made of the concerns expressed by objectors to the access arrangements and impacts on the highway network. The access to the

proposed development will remain via the existing access serving this site, which will be suitably widened and improved to allow for sufficient sight-line visibility. As is noted in the supporting statements, by removing the dilapidated barn and creating two new parking bays within the site, will help to improve road safety by increasing the line of sight of on-coming vehicles. The stone wall along the boundary of the proposed parking spaces will be below 0.6m high. The scheme is considered to satisfy the requirements as set out in the DCC/Highways Authority Standing Advice, and - in terms of proposed access arrangements- would sufficiently comply with this policy test.

In terms of criterion b), however, much of the original building has now already been removed. As noted above, whilst it was clearly the case that The Old Forge formed what might reasonably have been regarded as a traditional vernacular building on this site, its partial demolition in 2014 (due to its then dangerous structural condition) has effectively meant that it can no longer meet with the primary policy requirement as set out: as the works will now require a substantial new build on this site. This clearly does not accord with the requirements of Policy DM11 criteria b) which seeks conversion 'without significant alteration, extension or rebuilding'. The application therefore fails this policy test: the proposed development represents a significant rebuild in this context.

In considering other related policy aspects, note has been taken of the fact that the design seeks to retain the effective 'new build' within the same footprint of the previous building. The design also clearly aims to reflect the traditional character of the earlier building, both in terms of its scale and massing. The proposed chalet-style design will limit the roof height to approximate with that of the previous structure, whilst the walls will be rebuilt using natural stone, and under a new natural slated roof and other vernacular detailing. However, such general design considerations are not considered sufficient to outweigh the principal concern as noted above, in respect of criterion b).

Beyond the matter of structural stability and the extent of the repairs and works required to establish a habitable dwelling on this site, Policy DM11 also requires that the building as it stands, positively contributes to an area's rural character. Whilst the proposed development might represent an improvement of the immediate site by 'tidying up' an otherwise derelict site within the street scene, a key test in the policy is that the building that is proposed for conversion should already positively contribute to the rural character of the area. Given that the original building, in this case, has already largely been demolished, in this respect this particular policy test is also failed.

Turning to criterion d), the application has been supported by an Ecological Statement prepared by the Agent (who is not understood to be a wildlife expert). It is not clear what - if any- 'ecological assets' existed within the site prior to the demolition of much of the building. However, the present Statement makes clear that "as the existing building has been previously demolished there are no roosting sites or existing vegetation to support protected species. Therefore the proposal will have no ecological impact as there are no signs of bats associated with any element of the structures to be affected. The open nature of the barn and the exposed remaining walls offer little crevice dwelling opportunities. The open nature of the barn can provide potential nest sites for birds such as house martins. To mitigate the loss of these potential sites, new bird boxes can be incorporated within the new north east or north-facing elevations".

It is also proposed that any proposed building works that might affect any breeding birds would not commence during the nesting season (April- September).

Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy.

Natural England guidance also points to the opportunities any scheme may provide to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, Section 40 of the Natural Environment and Rural Communities Act (2006) requires that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

In considering the application against such guidance, and having regard to the existing condition and nature of the site, the submitted Ecological Statement and its proposed mitigation would appear satisfactory in this instance and does not raise any concerns relating to impact on wildlife at this site. In this regard criteria d) of Policy DM11 is met.

Policy DM12 - Replacement dwellings in rural areas.

This policy allows for the construction of replacement dwellings outside defined settlement limits where certain criteria can be met. In considering such cases on their merit, it is accepted that the principle of such development can be established by an existing dwelling on the site. It therefore allows for, essentially, a 'one-for one' replacement dwelling, within certain prescribed size limits.

In this instance, it is clear that The Old Forge does not comply with the requirements of this policy: it is not - and has not - been occupied as a dwelling. The building was first operated as a smithy; the Phase 1 Preliminary Contamination Assessment report also makes reference to the fact that a garage inspection pit within the building points to it having been used at one time as a vehicle repair/servicing workshop, and more recently by agricultural storage uses. The site - following the partial demolition works in 2014 - now represents a derelict site.

The application does not therefore fall to be considered under Policy DM12.

### **Other impacts**

The site is bordered to the north west and south east by residential properties - including the adjacent 2-storey, Hill View Farm (constructed circa 1970s) - and associated gardens. It is also bordered to the immediate north by a large Dutch barn and concrete surfaced yard, and to its immediate south by the Class III public road through the village. On the opposite side of the road, and set back at a slightly oblique angle, and further from the road, is a 2-storey dwelling - The Old Wheelwright's - which was formed from the conversion of an earlier building understood to have once been associated with the original smithy building: this is a Grade II listed building.

Policy DM27 of Mid Devon Local Plan Part 3 (Development Management Policies) seeks to protect heritage assets and their settings, recognising that they are an irreplaceable resource. The planning application makes the argument that the redevelopment of this site will "be in keeping with its surroundings and have no adverse effect on neighbouring dwellings" However, no assessment of the impact on setting has been provided by the applicant as required by criteria e) of Policy DM27.

Note is also taken of the concerns expressed by the occupier of another nearby dwelling, Beacon House - on the loss of privacy/amenity that may be caused by the occupiers of the new dwelling looking directly into their garden, which is positioned directly opposite The Old Forge and in a more elevated position above the roadside. However, given the existing boundary hedge (which can be easily allowed to grow), and the position of other garden buildings, it is considered that such impacts will be slight and not, on their own, sufficient to justify refusal.

Note is also taken of objector concerns relating to the proposed right of way access to the Dutch barn, sited to the rear: the scheme does however seek to maintain such direct access, as shown on the submitted plans and in any event such matters are considered a separate civil issue. It is unclear to what extent the nature and frequency of separate agricultural traffic movements running through the site, in order to access the Dutch barn belonging to the neighbouring Hill View Farm, would lead to potential nuisance and possible danger to the occupiers of the new building. This has not been further addressed by the applicant other than to acknowledge that the site layout will enable the right of way to be maintained and remain unobstructed at all times.

In terms of other potential environmental constraints, the applicants have now submitted a Phase 1 Preliminary Contamination Assessment Report, and in the light of earlier concerns expressed by the CEHO. The results of this conform that there is the possibility that the historical uses of the site may have caused some ground contamination (smithy and separate vehicle repair./servicing workshop). The report therefore recommends site investigations (e.g. through bore holes), in order to determine more precisely the likelihood of any ground contamination. At the time of this report, the further comments of the CEHO have

yet to be received, and will be reported to the Committee, although such matters can normally be controlled by suitable conditions requiring remedial or other works as may be necessary.

As previously noted, it is accepted that there is a suitable access to the site and adequate space within the site boundary to provide parking to serve the property - accordingly Policy DM8 and criteria a) of Policy DM11 Mid Devon Local Plan Part 3 (Development Management Policies) are satisfied.

No negative impact upon nature conservation interests is identified in the submitted Ecological Appraisal and so criteria d) of policy DM11 is also satisfied.

Policy AL/IN/3 of the Mid Devon Allocations and Infrastructure Development Plan Document (Local Plan Part 2) and the Council's Supplementary Planning Document (SPD) on 'The Provision and Funding of Open Space through Development' requires new dwellings to make a contribution toward such provision.

However, this policy has since been superseded by more recent Government policy on 28 November 2014 removing the requirement for developers to make such S106 payments on schemes involving 5 houses or less in rural areas.

If New Homes Bonus is distributed across the Council Tax bands in the same way as last year, the award for each market house is estimated to be £1,028 per year, paid for a period of 6 years. The amount of New Homes Bonus that would be generated from this proposal over a period of 6 years if it were approved is therefore estimated to be £6,168.

## **Summary**

The proposed development is located outside settlement limits, in the countryside where new development is strictly controlled. The application has not addressed and does not meet the requirements of Policies DM10 or DM11 of the Mid Devon Local Plan Part 3 (Development Management Policies) which allow for limited development in rural areas where it meets strict criteria. As such the proposal is considered to be contrary to Policies COR1, COR2 and COR18 of the Mid Devon Core Strategy (Local Plan Part 1) and Policies DM2, DM10, DM11 and DM27 of the Mid Devon Local Plan Part 3 (Development Management Policies) and Government guidance in the National Planning Policy Framework.

## **REASONS FOR REFUSAL**

1. The site is located in the countryside where policies and in particular paragraph 55 of the National Planning Policy Framework seek to avoid new homes in the countryside unless there are special circumstances. The application has not addressed and does not meet the requirements of Policies DM10, DM11 of the Mid Devon Local Plan Part 3 (Development Management Policies) which allow for limited development where it meets strict criteria. The building is not required for an essential rural worker nor can it be converted without significant alteration, extension or rebuilding. Neither does it involve the replacement of an existing dwelling. In the opinion of the Local Planning Authority the proposal is therefore for the erection of a new dwelling for which no special circumstances exist that would override the policy objection.
2. The development has also not considered the impact of the development on the setting of the nearby Grade 2 listed building. The proposal is therefore accordingly considered to be contrary to Policies COR2 and COR18 of the Mid Devon Core Strategy (Local Plan Part 1), Policies DM10, DM11, DM12 and DM27 of the Mid Devon Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.

**Application No. 15/00197/FULL**

**Plans List No. 4**

**Grid Ref:** 295892 : 113404

**Applicant:** Mr & Mrs J A Tolly

**Location:** 52 Oak Close Tiverton  
Devon EX16 6ET

**Proposal:** Erection of extension to front, side and rear elevations; conversion of part garage to form additional living accommodation with room above and provision of hardstanding for the parking of vehicles (Revised scheme)

**Date Valid:** 6th February 2015



## **Application No. 15/00197/FULL**

### **RECOMMENDATION**

Refuse permission.

### **MEMBERS ARE ASKED TO NOTE THAT THIS IS A HOUSEHOLDER APPLICATION**

### **PROPOSED DEVELOPMENT**

The proposal is for the erection of extensions to the front, rear and side of a semi-detached bungalow, situated at 52 Oak Close, Tiverton. The proposal will be constructed of block and render, with a grey Redland tile to match the existing tiles, and white UPVC fenestration. The specific dimensions of the proposal are detailed below;

#### **Front Extension**

The proposed front extension will protrude forward from the original wall of the property by approximately 2.3 meters, with a width of 5metres. The proposal will include a hipped roof, and will create a 3rd bedroom and new porch.

#### **Side Extension**

The proposed side extension extends approximately 3.1metres, forward of the existing garage, with a width of 2.9metres. The proposal extends above the existing garage to include a first floor, and contains a mono-pitched roof on the principle elevation, with a large section of flat roof (5metres) to the rear. The proposed side extension abuts the neighbouring boundary, and has an overall height of 5 metres.

#### **Rear Extension**

The proposal extends at various lengths across the whole rear elevation of the property. Starting from the west of the property, the proposal extends approximately 4.2metres in length, with a width of 4.4metres, including a dual pitched roof with an eaves height of 2.2metres, and a height to the ridge of 4metres. The proposal includes patio doors on the north elevation, and two roof lights on the eastern elevation. The proposal extends 2.3metres for the remainder of the rear elevation, and links up with the proposed side extension. At this point, the proposal will have a mono-pitched roof, with an overall height of 5 metres.

### **APPLICANT'S SUPPORTING INFORMATION**

None.

### **PLANNING HISTORY**

12/01073/FULL Erection of extension - PERMIT - 14th September 2012

14/02065/FULL Erection of extension to front, side and rear elevations; conversion of part garage to form additional living accommodation with room above and provision of hardstanding for the parking of vehicles - WDN - 8th January 2015

15/00197/FULL Erection of extension to front, side and rear elevations; conversion of part garage to form additional living accommodation with room above and provision of hardstanding for the parking of vehicles (Revised scheme) - PCO

### **DEVELOPMENT PLAN POLICIES**

#### **Mid Devon Core Strategy (Local Plan 1)**

COR2 - Local Distinctiveness

COR13 - Tiverton



## **Mid Devon Local Plan Part 3 (Development Management Policies)**

DM2 - High quality design

DM8 - Parking

DM13 - Residential extensions and ancillary development

### **CONSULTATIONS**

HIGHWAY AUTHORITY - 12th February 2015

standing advice applies <http://www.devon.gov.uk/highways-standingadvice.pdf>

TIVERTON TOWN COUNCIL - 3rd March 2015

Support.

### **REPRESENTATIONS**

None received on the date of officer report (09/03/2015).

### **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

**The main issues in the determination of this application are:**

- 1. Design and Visual Impact**
- 2. Impact on neighbouring occupants**
- 3. Parking**

#### **1. Design and Visual Impact**

Policy DM2 and DM13 of the Local Plan Part 3 (Development Management Policies), notes that new developments should be well designed, respecting the character scale setting and design of the existing dwelling, whilst creating visually attractive places that are well integrated with surrounding buildings, streets, and landscapes. The front extension is relatively small and will have little impact upon the street scene, whilst a proportion of the rear extension (situated to the east) is considered acceptable, and due to its location within an enclosed garden, will have little visual impact on the locality of the area.

The proposed two storey side extension is not considered to respect the character or design of the existing dwelling or its surroundings and is likely to create negative impacts on the street scene, and the character and appearance of the area when assessed from the neighbouring gardens. This is due to the large and somewhat dominating two storey flat roof design, which would detract from the dwelling and the surrounding area.

It is considered that there is some scope to extend the dwelling, and the applicant has an existing planning approval for a similar proposal, without the side extension. The applicant was made aware of the planning officers concerns, and some changes were made to the proposal, which includes a pitched roof to the front of the garage, reducing the impacts of the proposal from the street scene. The applicant voiced that a neighbouring dwelling situated to the north of the proposal had previously constructed a large, flat roof dormer window, which would be similar to this proposal. This dormer window was not an application considered by planning policy, and it is likely the residents of that property utilised permitted development for its construction.

Due to the dominance of the proposed side extension, it is deemed that the proposal would be contrary to policies COR2 and COR13 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 and DM13 of the Local Plan Part 3 (Development Management Policies) and refusal is therefore recommended.

#### **2. Impact on neighbouring occupants**

Policy DM13 of the Local Plan Part 3 (Development Management Policies) notes residential development should not have an adverse impact on the living conditions of the occupants of neighbouring properties.

It is considered that the proposed extension will create significantly overbearing effects on the neighbouring dwelling situated to the west of the proposal. In particular, the overbearing effects will be created by the two storey element of the proposal, situated on the neighbouring boundary. Whilst no letters of representation have been received, due to the size and scale of the proposal, it is likely to create unacceptable impacts on the adjoining property.

As the development is likely to create a significantly adverse impact on the neighbouring dwelling, it is deemed that the proposal would be contrary to policies DM2 and DM13 of the Local Plan Part 3 (Development Management Policies).

### **3. Parking**

The proposal includes the addition of a widened driveway to militate against the loss of parking for the proposed side extension. The proposed parking area is considered to be adequate for the parking of two vehicles, and therefore, is in accordance with policy DM8 of the Local Plan Part 3 (Development Management Policies).

### **Conclusion**

In the opinion of the Local Planning Authority, the proposed extension does not respect the scale, character, setting and design of the existing dwelling or its surroundings. Furthermore, the proposal is likely to result in overbearing effects on the neighbouring dwelling, and is contrary to policies COR2 and COR13 of the Mid Devon Core Strategy (Local Plan Part 1), and policies DM2 and DM13 of the Local Plan Part 3 (Development Management Policies). Considering the above points, refusal is recommended.

### **REASONS FOR REFUSAL**

1. Mid Devon District Council requires new development to respect the character and appearance the area and to demonstrate a clear understanding of the site and its context. Extensions to existing dwellings should respect the character, scale, setting and design of the existing dwelling. In the opinion of the Local Planning Authority, the proposed side extension does not respect the scale, character, setting and design of the existing dwelling, or the surrounding area, contrary to policies COR2 and COR13 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 and DM13 of the Local Plan Part 3 (Development Management Policies).
2. In the opinion of the Local Planning Authority, the proposed side extension is considered overbearing in relation to the adjoining property thereby causing a significant loss of amenity and outlook to the neighbouring dwelling, contrary to policies COR2 and COR13 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 and DM13 of the Local Plan Part 3 (Development Management Policies).

**Application No. 15/00280/FULL**

**Plans List No. 5**

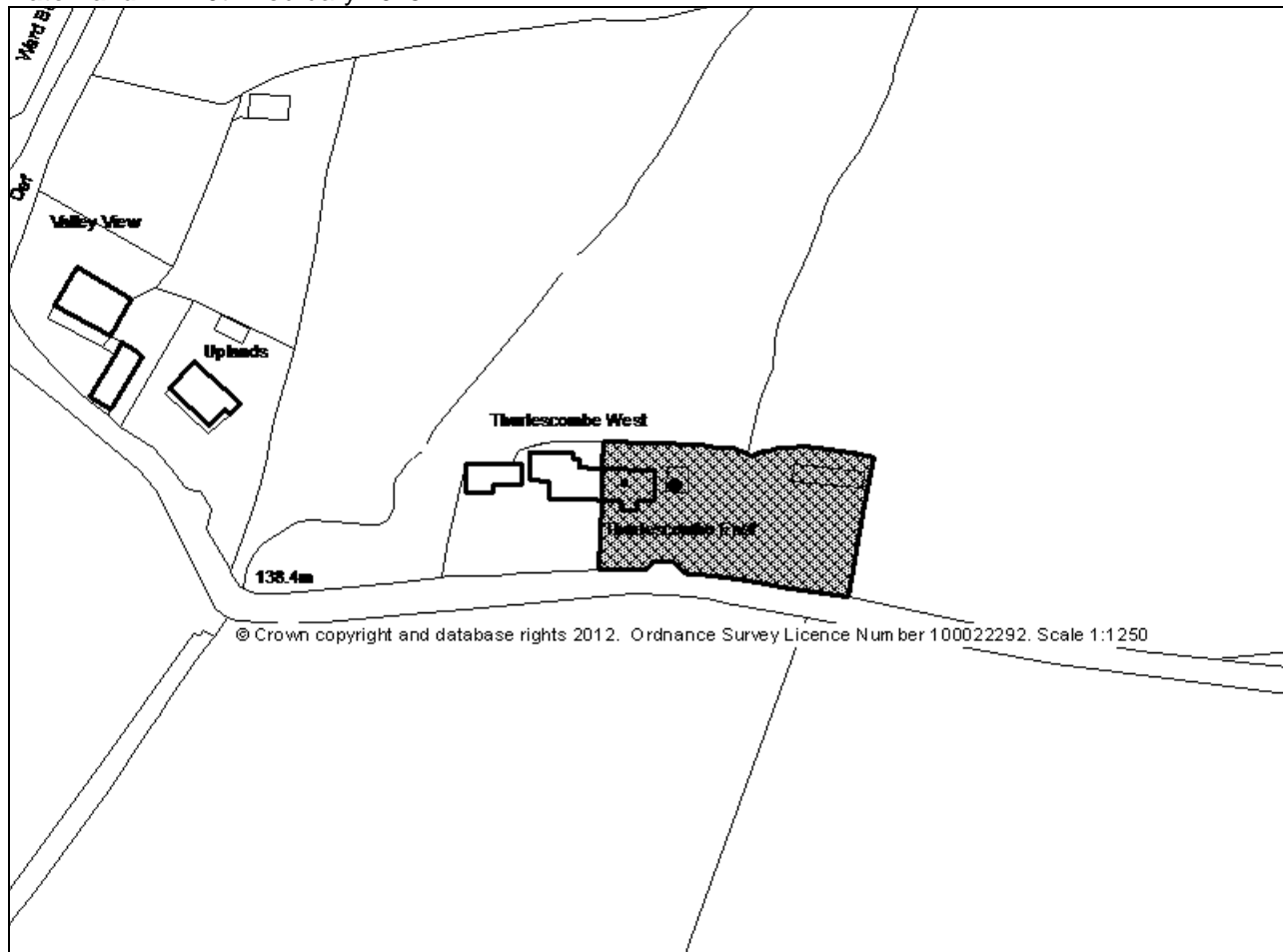
**Grid Ref:** 298562 : 111449

**Applicant:** Ms S Magne

**Location:** Thurlescombe East  
Ash Thomas Devon  
EX16 4NY

**Proposal:** Erection of single  
storey side extension  
and veranda to front  
(Revised scheme)

**Date Valid:** 19th February 2015



## **Application No. 15/00280/FULL**

### **RECOMMENDATION**

Grant permission subject to conditions.

### **PROPOSED DEVELOPMENT**

This application seeks planning permission for the erection of a single storey side extension on the eastern elevation and the erection of a verandah on the front, southern elevation.

The side extension would have a width of 6.7m and would be the full depth of the house at 6.5m, with a dual pitched roof of maximum height 3.3m. The extension is proposed to be constructed in materials to match those on the existing house, namely rough rendered walls under an artificial slate roof and with uPVC windows and doors. The open verandah would be situated adjoining the existing porch and would have the same depth as the porch (1.9m) and be 3.2m long.

The property is located in the countryside, approximately 1.5km south east of Tiverton and approximately 0.7 m south of the Grand Western Canal. The site is positioned on a narrow lane. The site slopes downhill from the south to the north, from the highway toward the property.

The application is a revised scheme following planning permission having been granted in late 2013 for the erection of a two storey extension to the east, verandah to the south and a conservatory extension on the northern elevation.

### **APPLICANT'S SUPPORTING INFORMATION**

Foul Drainage Assessment form.

### **PLANNING HISTORY**

90/00920/OUT Outline for the erection of bungalow and construction of vehicular access - Refused - June 1990

11/01152/FULL Erection of an extension following removal of existing garage - Permitted - September 2011

13/01322/FULL Erection of a two storey extension and conservatory - Permitted - November 2013

### **DEVELOPMENT PLAN POLICIES**

#### **Mid Devon Core Strategy (Local Plan 1)**

COR18 - Countryside

#### **Mid Devon Local Plan Part 3 (Development Management Policies)**

DM2 - High quality design

DM8 - Parking

DM13 - Residential extensions and ancillary development

### **CONSULTATIONS**

HIGHWAY AUTHORITY - 5th March 2015 - Standing advice applies please see Devon County Council document <http://www.devon.gov.uk/highways-standingadvice.pdf>

HALBERTON PARISH COUNCIL - 11th March 2015 - No objections

### **REPRESENTATIONS**

None received.

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

**The main issues in the determination of this application are:**

- 1. Quality of design**
- 2. Impact upon neighbouring properties**

### **1. Quality of design**

Policy COR18 of Core Strategy (Local Plan Part 1) permits appropriately scaled and designed extensions to existing buildings in rural locations. This is expanded upon in Local Plan Part 3 (Development Management Policies) with policy DM13 relating specifically to domestic extensions (not just in rural locations) which states that extensions to existing dwellings and other ancillary development will be permitted provided that they:

- Respect the character, scale, setting and design of existing dwellings,
- Will not result in over-development of the dwelling curtilage, and
- Will not have a significantly adverse impact on the living conditions of occupants of neighbouring properties.

In addition, policy DM2 of Local Plan Part 3 (Development Management Policies) seeks to ensure a high quality of design from all development proposals.

The works will provide additional living space for this modestly sized cottage. The single storey extension will be subservient to the original cottage and will maintain a ridge level below first floor window level of the cottage. The scale and massing are considered appropriate for this location and site. The property has a sizable garden which extends mainly to the south and east of the property and provides adequate space for extension while leaving a suitably sized garden and space for cars to park. It should also be noted that the neighbouring property, Thurlescombe West, has already been extended to the west. The proposed extension at Thurlescombe East is smaller than that built next door and it has a larger remaining garden area. For this reason, the development is not considered to represent over development within the curtilage of the dwelling and accordingly is considered to meet the requirements of Local Plan Part 3 (Development Management Policies) Policy DM13 and Core Strategy Policy COR18.

The materials proposed for the extension to the east are white roughcast render, artificial slate roof tiles and white UPVC doors and windows to match the existing building. In addition, a safety glass canopy on wooden supports is proposed on the principal (southern) elevation. While this is a new design feature it is considered an appropriate design for this building. The glass will provide shelter while retaining light to the internal south facing rooms. The materials, scale, massing and fenestration proposed all accord with the requirements of policies DM2 and DM13 of Local Plan Part 3 (Development Management Policies) in as much as they respect the character, scale and massing of the existing dwelling and its surroundings.

### **2. Impact upon neighbouring properties**

The position of the main extension on the eastern elevation means that it presents no amenity or privacy issues for the neighbouring dwelling. The small verandah would be on the opposite side of the existing porch, away from the neighbouring property and would also present no amenity or privacy issues for the neighbouring dwelling.

The proposal will have no other impacts on amenity for example with regard to noise or traffic and there are no other neighbouring properties in the vicinity which would be affected by the proposal.

In this respect the application meets with the requirements of policy DM13 of Local Plan Part 3 (Development Management Policies).

## **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 the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.

## **REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT**

The proposed single storey extension and glazed verandah by virtue of their scale, massing, design and location is not considered to harm the privacy or amenity of the occupiers of another dwelling, or its surroundings within this countryside location. As such the proposal is considered to comply with policies COR18 of Mid Devon Core Strategy (Local Plan Part 1) and DM2 and DM13 of Mid Devon Local Plan Part 3 (Development Management Policies).

Jonathan Guscott  
Head of Planning and Regeneration