

## PLANNING COMMITTEE AGENDA - 30th March 2022

### Applications of a non-delegated nature

<u>Item No.</u>	Description
01.	<p>21/01998/FULL - Erection of two storey rear extension to replace existing flat roof section and alterations to improve accessibility including reinstating existing central door on front elevation at The Guildhall, Fore Street, Bradninch.</p> <p><b>RECOMMENDATION</b> Grant permission subject to conditions.</p>
02.	<p>21/02001/LBC - Listed Building Consent for erection of two storey rear extension to replace existing flat roof section and alterations to improve accessibility including reinstating existing central door on front elevation at The Guildhall, Fore Street, Bradninch.</p> <p><b>RECOMMENDATION</b> Grant Listed Building Consent subject to conditions.</p>

Application No. 21/01998/FULL

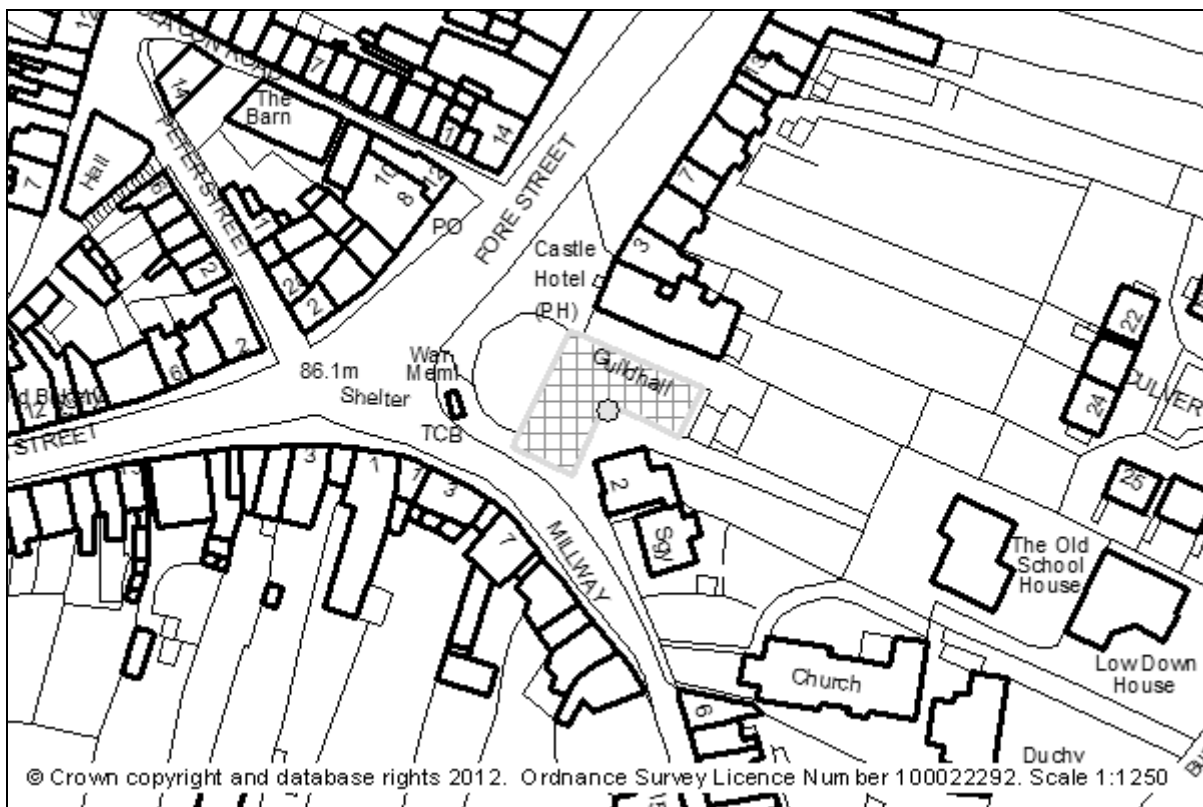
Grid Ref: 299973 : 103991

Applicant: Bradninch Town Trust

Location: The Guildhall  
Fore Street  
Bradninch  
Exeter

Proposal: Erection of two storey rear extension to replace existing flat roof section and alterations to improve accessibility including reinstating existing central door on front elevation

Date Valid: 10th November 2021



## **APPLICATION NO: 21/01998/FULL**

**Site Visit: Yes     Date of Site Visit: 2.2.2022**

**Decision Delayed Reason:** Further information and consultations required.

### **MEMBER CALL-IN**

Cllr Luke Taylor called in the applications for the following reasons:

1. The new development will severely impact the access for the residents of the Old School, due to angles they will not be able to have their mobile caravan and it will be a health and safety concern for those visiting the site.
2. The Old School properties are served by oil delivery vehicles and cesspit emptying vehicles - these could be drastically impeded if the development were to go ahead.

Whilst these reasons largely relate to this full planning application, a listed building consent application is being considered concurrently and the Council's Legal Department have advised that both applications should be considered by the Planning Committee.

### **RECOMMENDATION**

Grant permission subject to conditions

### **PROPOSED DEVELOPMENT**

Erection of two storey rear extension to replace existing flat roof section and alterations to improve accessibility including reinstating existing central door on front elevation at The Guildhall, Fore Street, Bradninch.

The site is within the Bradninch Settlement Boundary and Conservation Area. The building is on the corner of Fore Street and Millway and is Grade II listed. As such, both full planning consent and listed building consent are required for the works.

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

In support of the application, the submission includes:

Heritage Statement, Planning Statement, Structural Report and Photographs, Site Location Plan, Block Plan, Existing Plans and Proposed Plans.

### **RELEVANT PLANNING HISTORY**

**81/01793/LBC** - PERMIT date 11th December 1981 Listed Building Consent for the provision of external door

**89/02533/LBC** - PERMIT date 8th December 1989 Listed Building Consent for internal alterations

**93/00795/LBC** - PERMIT date 31st May 1995 Listed Building Consent for the installation of floodlights

**01/01960/FULL** - PERMIT date 8th March 2002 Installation of CCTV system (Revised proposal)

**01/01961/LBC** - PERMIT date 8th March 2002 Listed Building Consent for installation of CCTV system (Revised proposal)  
**01/02104/LBC** - PERMIT date 8th January 2002 Listed Building Consent for internal & external remedial works in vicinity of main stairwell, ground floor wc's and the flat roof.  
**06/02015/CAT** - PERMIT date 19th October 2006 Notification of intention to fell 3 no. Cherry Trees within a Conservation Area  
**06/02398/LBC** - PERMIT date 14th February 2007 Listed Building Consent for replacement of window frames in Council Chamber  
**07/01342/LBC** - PERMIT date 23rd August 2007 Listed Building Consent for replacement windows and external alterations  
**07/02220/LBC** - PERMIT date 19th December 2007 Listed Building Consent for the demolition of part of extension to rear (redundant public toilets)  
**09/01808/FULL** - DELETE date 19th January 2010 Installation of access ramp and hand rails  
**09/01809/LBC** - DELETE date 19th January 2010 Listed Building Consent for installation of access ramp and hand rails  
**10/00776/FULL** - PERMIT date 9th July 2010 Construction of access ramp for disabled and installation of hand rails  
**10/00778/LBC** - PERMIT date 9th July 2010 Listed Building Consent for the construction of access ramp for disabled and installation of hand rails  
**77/00509/LBC** - PERMIT date 10th August 1977 Listed Building Consent and planning permission for alterations to Guildhall's sanitary accommodation to provide public toilets  
**19/00830/LBC** - PERMIT date 31st July 2019 Listed Building Consent for the re-positioning of the flag pole and repairs to roof  
**21/01998/FULL** - PCO date Erection of two storey rear extension to replace existing flat roof section and alterations to improve accessibility including reinstating existing central door on front elevation

## **DEVELOPMENT PLAN POLICIES**

### **Mid Devon Local Plan Review 2013 – 2033**

S1 (Sustainable Development)

S13 (Villages)

DM1 (High Quality Design)

DM5 (Parking)

DM3 (Transport and Air Quality)

DM23 (Community Facilities)

DM25 (Heritage Assets)

### **The National Planning Policy Framework.**

## **CONSULTATIONS**

### **Conservation Officer, 17<sup>th</sup> December 2021:**

You will be aware that I have undertaken a pre application here with the same agent - see 21/00655 and 21/01150.

The applicant has taken on my comments with the exception of the proposed demolition and removal of the chimney. In this respect I do not see the justification within the application to do this. I can support it being taken down to rebuild it to insert a lead tray and improve its weather resistance, but it part of the historic form and should be retained.

Otherwise it is good to see adaptations to the building to allow for access for all. The applicants approach is sensitive and improves the building for its original use in an appropriate way. The proposals are also acceptable in the context of the conservation area, and the setting of the adjacent listed buildings

Please condition:

No work shall be carried out on site to any external walls or roofs unless particulars of the materials (including the provision of samples where appropriate) to be used for external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Such particulars will include the detailed finish (rough sawn, hand tooled, etc.) Slate hooks shall not be used.

No work shall be carried out to fit any new or alter any existing doors unless details of the design, materials and external finish of these elements have been submitted to and approved in writing by the Local Planning Authority. This will include detailed drawings including sections of at least 1:5. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

All new windows shall be painted white unless agreed in writing by the LPA.

No work shall be carried out in relation to new or replacement rainwater goods until details of all new cast metal guttering, down pipes, other rainwater goods, and external plumbing have been submitted to and approved in writing by the Local Planning Authority. Such details once carried out shall not be altered without the prior written consent of the Local Planning Authority.

No work shall be carried out in relation to roof parapet unless the design details of all parapet and abutments, including detail drawings at a scale of 1:5, and all new cast metal guttering, down pipes, other rainwater goods shall be submitted to and approved in writing by the Local Planning Authority. Such details once carried out shall not be altered without the prior written consent of the Local Planning Authority.

The area(s) of rebuilding shall be restricted to that defined on the approved plan(s) and shall not be enlarged without the prior express grant of Listed Building Consent. In the event that completion strictly in accordance with such approved plans shall become impracticable for whatever reason, work shall thereupon cease and only be re-commenced if and when consent has been obtained in regard to an amended scheme of works which renders completion of the scheme practicable.

No work shall be carried out to block any openings unless details of the method of the blocking of all doorways and windows shown on the approved plans are to be submitted to and approved in writing by the Local Planning Authority. This will include materials and finish: pointing and coursing; any doors and architraves to be left in situ; and any reveal. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

No works are to be undertaken to any structural timbers until details of any alteration have been submitted to and approved in writing by the Local Planning Authority. The works will

only be undertaken in accordance with the agreed details, and if found to be impracticable will cease until an alternative has been agreed. Any intervention into historic fabric will be minimal with the introduction of additional timber or steel to the structure always being preferred to the replacement of timber.

No work shall be carried out to fit any new WCs or Kitchens unless details of all new services to such rooms, including details of routes of foul water and any ventilation or extraction have been submitted to and approved in writing by the Local Planning Authority. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

No work shall be carried out to the existing building unless details of all new and replacement plasters, renders, floor surfaces, ceilings etc., including any making good of any existing structure abutting any of those to be demolished, have been submitted to and approved in writing by the Local Planning Authority. These details shall be submitted in the format of a room by room schedule as necessary. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

No work shall be carried out to alter the front steps until full details including materials, shape and profile of the steps has been submitted to and approved in writing by the Local Planning Authority. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

**Conservation Officer, 26<sup>th</sup> January 2022:**

Thank you for consulting me on the further information we have received.

I have nothing to add to my previous comments other than to note that the chimney is still proposed to be removed.

**Conservation Officer, 7<sup>th</sup> February 2022:**

I have previously commented on this application.

I am happy with the proposal to rebuild the chimney.

Not it is missing from the proposed rear elevation.

**Bradninch Town Council, 15<sup>th</sup> December 2021:**

At Monday evening's Town Council meeting it was resolved to submit the following comment to MDDC with regards to the planning application for The Guildhall, Bradninch: Whilst the Town Council is in support of the Town Trust improving the Guildhall building for the use of the community, the Town Council objects to the application as it cannot support a design that might restrict or hinder access to the neighbouring properties in general, and for emergency vehicles, as stated in the planning conditions of the 2007 application.

**Bradninch Town Council, 2<sup>nd</sup> February 2022:**

It was resolved to submit the following comment to MDDC: 'As there does not appear to be any new material difference within the added information to enable the Council to change its position, its previous comments on the matter still stand'.

**Highway Authority, 15<sup>th</sup> December 2021:**

The County Highway Authority recommends that the Standing Advice issued to Mid Devon District Council is used to assess the highway impacts, on this application.

**Highway Authority, 25<sup>th</sup> January 2022:**

Observations:

The County Highway recommended Standing Advice for this application for the effect on the public highway.

The Planning officer has since asked me to visit the site and put forward my observations on this application.

I therefore have visited the which is accessed off an unclassified County Route which is restricted to 30 MPH.

The number of personal injury collisions which have been reported to the police in this area between 01/01/2016 and 31/12/2020 is none.

The County Highway Authority understand the intention of the condition recommended from the previous Highway Officer for the School House Application 07/02219/FULL and for this access to be retained at all times.

The proposal in this application shows this access will still be retained and there still to be widening on the bend. And on the rare occasion that two vehicles were to meet on this driveway and a vehicle would need to reverse on to the unclassified County Road would be acceptable and would be similar to what happens with the off street parking bedside the Guild Hall several times a day.

Therefore the County Highway Authority would have no objections to this application.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, HAS NO OBJECTION TO THE PROPOSED DEVELOPMENT.

**Environment Agency:**

Operational development less than 1 ha within Flood Zone 1 - no EA consultation required - see surface water management good practice advice - see standard comment.

**REPRESENTATIONS**

A total of 2 letters of support and 67 letters of objection have been received at the time of writing this report. Some of these letters are from the same households and individuals and a significant majority refer to the same concerns. However, all considerations raised have been summarised below:

- Detrimental impact to vehicular access for neighbouring properties (Old School House & Low Down House), particularly for larger service vehicles, vehicles carrying disabled people and emergency vehicles.

- Safety concerns regarding the access following the proposed development.
- Application 07/02219/Full found it necessary to demolish a building in this position to maintain the access. There is a condition to this regard on the decision notice
- Accuracy of easement line shown on the submitted plans
- Clarity of submitted plans more broadly
- Impact on value of surrounding properties
- Impact of the extension on the listed building

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

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

1. Policy, Procedure and Principle of Development
2. Visual Impact and Neighbourhood Amenity
3. Impact on the Listed Building and Conservation Area
4. Highway Safety and Parking
5. Other Matters

### 1. Policy, Procedure and Principle of Development

Policy S13 of the local plan deals with development within defined settlements such as Bradninch. It supports appropriately scaled development within defined settlements, particularly those which allow the settlement to be self-sufficient.

More specifically, Policy DM23 states that the development of community facilities providing a local community benefit or environmental enhancement will be permitted where they are easily accessible by the local community and well related to a settlement and that proposals for the redevelopment of existing community facilities that enables them to modernise, remain viable and continue to be retained for the benefit of the community will be supported.

The proposal is for the erection of a two storey extension as well as alterations internally and to the front door which are proposed to ensure the enhancement of the community facility. The site is in a central village location and relates to an existing building. It is considered that these amendments are appropriate for the viability of the community facility and therefore in accordance with S13 and DM23 in principle.

### 2. Visual Impact and Neighbourhood Amenity

DM1 of the local plans seeks to ensure high quality design that shows an understanding of the site and avoids unacceptable impacts on the amenity of residents of nearby properties.

The design of the alterations are considered acceptable. The extension is modest in scale and appears subservient to the host building, it is generally in-keeping with the wider building and street scene. Owing to the scale and position of the proposal, there will not be any impacts on neighbours in terms of loss of light, overlooking or overbearing impacts. Overall, the development is considered to accord with the design principles of policy DM1.

It is noted that the building is Grade II listed and within a Conservation Area, therefore the



design and its impact has been considered in more detail in the following section of this report. Similarly, there have been some matters raised regarding the amenity of neighbours being impacted as a result of the extension impacting the access, this is also fully considered in a later section of this report.

### 3. Impact on the Listed Building and Conservation Area

As set out above, the site is both within the Bradninch Conservation Area and Grade II listed. In coming to this decision the council must be mindful of the duty as set out in section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the listed building, its setting and features of special architectural or historic interest which it possesses. It must also be mindful of the duty as set out in section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area, and have given it importance and weight in the planning balance. Similarly, DM25 of the local plan refers to heritage assets stating that they are irreplaceable resources. The policy seeks to preserve and enhance designated assets and their settings.

The Council's Conservation Officer has been consulted on the proposal who notes that they have previously engaged in pre application discussion with the applicant. The Conservation Officer states that their advice at pre application stage has been followed and they have no objection to the works. Initially, the Conservation Officer was concerned about the removal of the chimney but the plans have been amended to show the chimney will be retained.

Given the importance of the listed building and its prominent location within the Bradninch Conservation Area, a number of conditions are proposed in order to control the materials and finishes that will be used. Subject to these conditions, the development is considered to preserve the historic building and conservation area in accordance with DM25 of the local plan.

### 4. Highway Safety and Parking

Policy DM3 of the local plan states that development must ensure safe access to the transport network whilst DM1 supports the creation of safe and accessible places. The Guildhall building is sited on the corner of Fore Street and Millway. Fore Street is a Class III highway whilst Millway is unclassified. There is an existing access point to the rear of the Guildhall, off of Millway which serves dwellings currently known as The Old School House and Low Down House. As the extension is proposed to the rear of the building, significant concern has been raised by the local community regarding the access point off of Millway which serves the 2 dwellings. This forms the main reason for the application being called into committee.

Initially, the County Highway Authority issued standing advice for the proposal. The standing advice indicates that domestic accesses and drives should be 3m wide. In the locations immediately adjacent to the proposed extension, the submitted plans show the width of the drive to be reduced to 5m and 5.1m. One section of the drive is shown to be

3.2m, however, this is an area not impacted as a result of the development and is already 3.2m wide. Therefore, the proposed development is not contrary to the DCC Highways Standing Advice.

However, given the significant public interest in the development, the Planning Officer further consulted DCC Highways, requesting they undertook a site visit. Following their site visit the Highway Officer concluded that they had no objections, stating:

“The proposal in this application shows this access will still be retained and there still to be widening on the bend. And on the rare occasion that two vehicles were to meet on this driveway and a vehicle would need to reverse on to the unclassified County Road would be acceptable and would be similar to what happens with the off street parking bedside the Guild Hall several times a day.

Therefore the County Highway Authority would have no objections to this application.”

It is acknowledged that the access is narrowed and there may be some issues for larger vehicles. However, given that it is in accordance with standing advice and there is no objection from the Highway Authority, the recommendation is one of approval. Notwithstanding this, a tracking plan has been received which shows that a fire engine can enter the site, the main pinch point being an area which is already narrow and not impacted as a result of the development. In addition, at the time of the site visit, the case officer noticed a number of accesses and drives in Bradninch which appeared to be of similar or in some cases narrower widths. This is particularly the case towards the northern end of Fore Street and the southern end of Millway.

Concern was also raised regarding Condition 2 of application reference 07/02219/FULL which reads:

*“No other part of the development hereby approved shall be commenced until the improvements to the access have been provided in accordance with details indicated on Drawing NO.640/PO2 Rev A and such improvements shall be retained for that purpose at all time”*

These details included the removal of a toilet block in the same location as the extension proposed under this application. This application would effectively override the previous condition. In making their recommendation of ‘no objection’ to this application, the Highway Officer confirmed that they were aware of this condition and understood the reason for it at the time. Notwithstanding this, they have raised no objection to the current proposal. As previously mentioned in this report, it is also notable that parts of the existing access are narrower than the parts directly adjacent to the proposed extension.

There has also been significant correspondence relating to the accuracy of the easement line drawn on the submitted plans. The objectors are concerned that this easement line is not accurately drawn. However, notwithstanding the accuracy of this line, the above recommendations have been made on the basis of the access width following the erection of the proposed extension and therefore the position of this line would not alter these recommendations. Should the easement line be inaccurate and/or should there be a

covenant indicating that the extension cannot be built in this location, this would be a civil matter as opposed to a material planning consideration. It is understood that the objectors are aware of this and have engaged legal advice to potentially pursue a civil case.

Given the above, the access is considered acceptable and the scheme is in accordance with DM1 and DM3 of the local plan.

Policy DM5 refers to parking provision and sets out the required levels of parking per development. The extension is not proposed on an area of land currently used for parking and the existing parking provision will not be impacted upon. As such, there are no concerns regarding parking.

## 5. Other Matters

The letters of objection submitted raised two further matters. These related to the clarity of the plans and the value of local properties. Property value is not a material planning consideration and with regards to the clarity of plans, they are to scale and appear to be accurate. The letters mentioning the plans referred to their clarity in terms of fonts, appearance and the scales chosen. Since the plan are accurate and to scale, these are not valid considerations in this instance.

## 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 work shall be carried out on site to any external walls or roofs unless particulars of the materials (including the provision of samples where appropriate) to be used for external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Such particulars will include the detailed finish (rough sawn, hand tooled, etc.) Slate hooks shall not be used.
4. No work shall be carried out to fit any new or alter any existing doors unless details of the design, materials and external finish of these elements have been submitted to and approved in writing by the Local Planning Authority. This will include detailed drawings including sections of at least 1:5. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.
5. All new windows shall be painted white unless agreed in writing by the LPA.
6. No work shall be carried out in relation to new or replacement rainwater goods until details of all new cast metal guttering, down pipes, other rainwater goods, and external plumbing have been submitted to and approved in writing by the Local Planning Authority. Such details once carried out shall not be altered without the prior written consent of the Local Planning Authority.
7. No work shall be carried out in relation to roof parapet unless the design details of all parapet and abutments, including detail drawings at a scale of 1:5, and all new cast metal guttering, down pipes, other rainwater goods shall be submitted to and approved in writing by the Local Planning Authority. Such details once carried out shall not be altered without the prior written consent of the Local Planning Authority.
8. The area(s) of rebuilding shall be restricted to that defined on the approved plan(s) and shall not be enlarged without the prior express grant of Listed Building

Consent. In the event that completion strictly in accordance with such approved plans shall become impracticable for whatever reason, work shall thereupon cease and only be re-commenced if and when consent has been obtained in regard to an amended scheme of works which renders completion of the scheme practicable.

9. No work shall be carried out to block any openings unless details of the method of the blocking of all doorways and windows shown on the approved plans are to be submitted to and approved in writing by the Local Planning Authority. This will include materials and finish: pointing and coursing; any doors and architraves to be left in situ; and any reveal. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.
10. No works are to be undertaken to any structural timbers until details of any alteration have been submitted to and approved in writing by the Local Planning Authority. The works will only be undertaken in accordance with the agreed details, and if found to be impracticable will cease until an alternative has been agreed. Any intervention into historic fabric will be minimal with the introduction of additional timber or steel to the structure always being preferred to the replacement of timber.
11. No work shall be carried out to fit any new WCs or Kitchens unless details of all new services to such rooms, including details of routes of foul water and any ventilation or extraction have been submitted to and approved in writing by the Local Planning Authority. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.
12. No work shall be carried out to the existing building unless details of all new and replacement plasters, renders, floor surfaces, ceilings etc., including any making good of any existing structure abutting any of those to be demolished, have been submitted to and approved in writing by the Local Planning Authority. These details shall be submitted in the format of a room by room schedule as necessary. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.
13. No work shall be carried out to alter the front steps until full details including materials, shape and profile of the steps has been submitted to and approved in writing by the Local Planning Authority. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

## **REASONS FOR CONDITIONS**

1. In accordance with provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt in the interests of proper planning.
3. To protect the character and appearance of the listed building in accordance with DM1 and DM25 of the Mid Devon Local Plan (2013-2033).
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## **INFORMATIVES**

In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant and has negotiated amendments to the application to enable the grant of planning permission.

Section 149 of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between different people when carrying out their activities. This is called the Public Sector Equality Duty or "PSED". It has been noted that some of the letters of objection raise the point that a wider access may be required for vehicles used by disabled people. Disability is a protected characteristic and therefore this has been noted and carefully considered in the determination of this application.

## **REASON FOR APPROVAL**

The proposed development for the erection of two storey rear extension to replace existing flat roof section and alterations to improve accessibility including reinstating existing central door on front elevation at The Guildhall, Fore Street, Bradninch is considered acceptable as a matter of principle. The overall scale and design of the works are considered acceptable and would not result in significant adverse impacts on the amenity of neighbouring properties, the listed building or conservation area. The access to the rear of the building is also considered to be of an acceptable width following the development. As such the scheme complies with policies S1, S13, DM1, DM3, DM5, DM23 and DM25 of the Mid Devon Local Plan (2013-2033) and guidance in the National Planning Policy Framework.

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

Application No. 21/02001/LBC

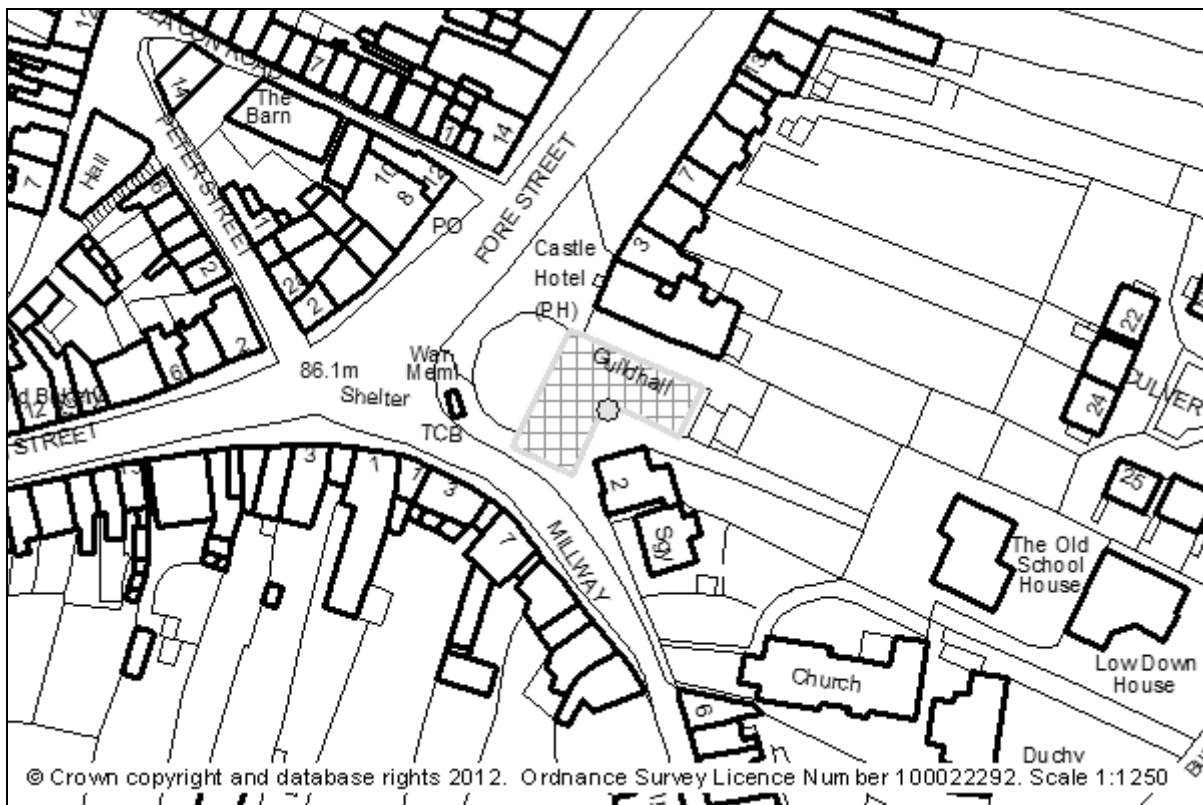
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Applicant: Bradninch Town Trust

Location: The Guildhall  
Fore Street  
Bradninch  
Exeter

Proposal: Listed Building Consent for erection of two storey rear extension to replace existing flat roof section and alterations to improve accessibility including reinstating existing central door on front elevation

Date Valid: 10th November 2021



**APPLICATION NO: 21/02001/LBC**

**Site Visit: Yes      Date of Site Visit: 2.02.2022**

**Decision Delayed Reason:** Further information and consultations required.

**MEMBER CALL-IN**

This listed building consent application has been considered concurrently with the full planning application, reference 21/01998/FULL.

Cllr Luke Taylor called in the applications for the following reasons:

3. The new development will severely impact the access for the residents of the Old School, due to angles they will not be able to have their mobile caravan and it will be a health and safety concern for those visiting the site.
4. The Old School properties are served by oil delivery vehicles and cesspit emptying vehicles - these could be drastically impeded if the development were to go ahead.

Whilst these reasons largely relate to the full application as opposed to the listed building application, the Council's Legal Department have advised that both applications should be considered by the Planning Committee.

**RECOMMENDATION**

Grant Listed Building Consent subject to conditions

**PROPOSED DEVELOPMENT**

Listed Building Consent for the erection of two storey rear extension to replace existing flat roof section and alterations to improve accessibility including reinstating existing central door on front elevation at The Guildhall, Fore Street, Bradninch.

The site is within the Bradninch Settlement Boundary and Conservation Area. The building is on the corner of Fore Street and Millway and is Grade II listed. As such, both full planning consent and listed building consent are required for the proposed extension. Alterations to the door and internal alterations required listed building consent.

**APPLICANT'S SUPPORTING INFORMATION**

In support of the application, the submission includes:

Heritage Statement, Planning Statement, Structural Report and Photographs, Site Location Plan, Block Plan, Existing Plans and Proposed Plans.

## **RELEVANT PLANNING HISTORY**

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**09/01808/FULL** - DELETE date 19th January 2010 Installation of access ramp and hand rails

**09/01809/LBC** - DELETE date 19th January 2010 Listed Building Consent for installation of access ramp and hand rails

**10/00776/FULL** - PERMIT date 9th July 2010 Construction of access ramp for disabled and installation of hand rails

**10/00778/LBC** - PERMIT date 9th July 2010 Listed Building Consent for the construction of access ramp for disabled and installation of hand rails

**77/00509/LBC** - PERMIT date 10th August 1977 Listed Building Consent and planning permission for alterations to Guildhall's sanitary accommodation to provide public toilets

**19/00830/LBC** - PERMIT date 31st July 2019 Listed Building Consent for the re-positioning of the flag pole and repairs to roof

**21/01998/FULL** - PCO date Erection of two storey rear extension to replace existing flat roof section and alterations to improve accessibility including reinstating existing central door on front elevation

## **DEVELOPMENT PLAN POLICIES**

### **Mid Devon Local Plan Review 2013 – 2033**

S1 (Sustainable Development)

S13 (Villages)

DM1 (High Quality Design)

DM3 (Transport and Air Quality)

DM23 (Community Facilities)

DM25 (Heritage Assets)

### **The National Planning Policy Framework.**

## **CONSULTATIONS**

### **Conservation Officer, 17<sup>th</sup> December 2021:**

You will be aware that I have undertaken a pre application here with the same agent - see 21/00655 and 21/01150.



The applicant has taken on my comments with the exception of the proposed demolition and removal of the chimney. In this respect I do not see the justification within the application to do this. I can support it being taken down to rebuild it to insert a lead tray and improve its weather resistance, but it part of the historic form and should be retained.

Otherwise it is good to see adaptations to the building to allow for access for all. The applicants approach is sensitive and improves the building for its original use in an appropriate way. The proposals are also acceptable in the context of the conservation area, and the setting of the adjacent listed buildings

Please condition:

No work shall be carried out on site to any external walls or roofs unless particulars of the materials (including the provision of samples where appropriate) to be used for external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Such particulars will include the detailed finish (rough sawn, hand tooled, etc.) Slate hooks shall not be used.

No work shall be carried out to fit any new or alter any existing doors unless details of the design, materials and external finish of these elements have been submitted to and approved in writing by the Local Planning Authority. This will include detailed drawings including sections of at least 1:5. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

All new windows shall be painted white unless agreed in writing by the LPA.

No work shall be carried out in relation to new or replacement rainwater goods until details of all new cast metal guttering, down pipes, other rainwater goods, and external plumbing have been submitted to and approved in writing by the Local Planning Authority. Such details once carried out shall not be altered without the prior written consent of the Local Planning Authority.

No work shall be carried out in relation to roof parapet unless the design details of all parapet and abutments, including detail drawings at a scale of 1:5, and all new cast metal guttering, down pipes, other rainwater goods shall be submitted to and approved in writing by the Local Planning Authority. Such details once carried out shall not be altered without the prior written consent of the Local Planning Authority.

The area(s) of rebuilding shall be restricted to that defined on the approved plan(s) and shall not be enlarged without the prior express grant of Listed Building Consent. In the event that completion strictly in accordance with such approved plans shall become impracticable for whatever reason, work shall thereupon cease and only be re-commenced if and when consent has been obtained in regard to an amended scheme of works which renders completion of the scheme practicable.

No work shall be carried out to block any openings unless details of the method of the blocking of all doorways and windows shown on the approved plans are to be submitted to and approved in writing by the Local Planning Authority. This will include materials and finish: pointing and coursing; any doors and architraves to be left in situ; and any reveal.

Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

No works are to be undertaken to any structural timbers until details of any alteration have been submitted to and approved in writing by the Local Planning Authority. The works will only be undertaken in accordance with the agreed details, and if found to be impracticable will cease until an alternative has been agreed. Any intervention into historic fabric will be minimal with the introduction of additional timber or steel to the structure always being preferred to the replacement of timber.

No work shall be carried out to fit any new WCs or Kitchens unless details of all new services to such rooms, including details of routes of foul water and any ventilation or extraction have been submitted to and approved in writing by the Local Planning Authority. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

No work shall be carried out to the existing building unless details of all new and replacement plasters, renders, floor surfaces, ceilings etc., including any making good of any existing structure abutting any of those to be demolished, have been submitted to and approved in writing by the Local Planning Authority. These details shall be submitted in the format of a room by room schedule as necessary. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

No work shall be carried out to alter the front steps until full details including materials, shape and profile of the steps has been submitted to and approved in writing by the Local Planning Authority. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

**Conservation Officer, 26<sup>th</sup> January 2022:**

Thank you for consulting me on the further information we have received.

I have nothing to add to my previous comments other than to note that the chimney is still proposed to be removed.

**Conservation Officer, 7<sup>th</sup> February 2022:**

I have previously commented on this application.

I am happy with the proposal to rebuild the chimney.

Not it is missing from the proposed rear elevation.

**Bradinch Town Council, 15<sup>th</sup> December 2021:**

At Monday evening's Town Council meeting it was resolved to submit the following comment to MDDC with regards to the planning application for The Guildhall, Bradinch: Whilst the Town Council is in support of the Town Trust improving the Guildhall building for the use of the community, the Town Council objects to the application as it cannot support a design that might restrict or hinder access to the neighbouring properties in general, and for emergency vehicles, as stated in the planning conditions of the 2007 application.

**Bradninch Town Council, 2<sup>nd</sup> February 2022:**

It was resolved to submit the following comment to MDDC: 'As there does not appear to be any new material difference within the added information to enable the Council to change its position, its previous comments on the matter still stand'.

**Highway Authority, 15<sup>th</sup> December 2021:**

The County Highway Authority recommends that the Standing Advice issued to Mid Devon District Council is used to assess the highway impacts, on this application.

**Highway Authority, 25<sup>th</sup> January 2022:**

Observations:

The County Highway recommended Standing Advice for this application for the effect on the public highway.

The Planning officer has since asked me to visit the site and put forward my observations on this application.

I therefore have visited the which is accessed off an unclassified County Route which is restricted to 30 MPH.

The number of personal injury collisions which have been reported to the police in this area between 01/01/2016 and 31/12/2020 is none.

The County Highway Authority understand the intention of the condition recommended from the previous Highway Officer for the School House Application 07/02219/FULL and for this access to be retained at all times.

The proposal in this application shows this access will still be retained and there still to be widening on the bend. And on the rare occasion that two vehicles were to meet on this driveway and a vehicle would need to reverse on to the unclassified County Road would be acceptable and would be similar to what happens with the off street parking bedside the Guild Hall several times a day.

Therefore the County Highway Authority would have no objections to this application.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, HAS NO OBJECTION TO THE PROPOSED DEVELOPMENT.

**Environment Agency:**

Operational development less than 1 ha within Flood Zone 1 - no EA consultation required - see surface water management good practice advice - see standard comment.

**REPRESENTATIONS**

A total of 2 letters of support and 67 letters of objection have been received at the time of writing this report. Some of these letters are from the same households and individuals whilst a significant majority only refer to the full application and not this listed building

consent application. However, in the interests of clarity and transparency, all considerations raised have been summarised below:

- Detrimental impact to vehicular access for neighbouring properties (Old School House & Low Down House), particularly for larger service vehicles, vehicles carrying disabled people and emergency vehicles.
- Safety concerns regarding the access following the proposed development.
- Application 07/02219/Full found it necessary to demolish a building in this position to maintain the access. There is a condition to this regard on the decision notice
- Accuracy of easement line shown on the submitted plans
- Accuracy of submitted plans more broadly
- Impact on value of surrounding properties
- Impact of the extension on the listed building

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

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

1. Policy, Procedure and Principle of Development
2. Impact on the Listed Building
3. Other Matters

- 1. Policy Procedure and Principle of Development

Policy S13 of the local plan deals with development within defined settlements such as Bradninch. It supports appropriately scaled development within defined settlements, particularly those which allow the settlement to be self-sufficient.

More specifically, Policy DM23 states that the development of community facilities providing a local community benefit or environmental enhancement will be permitted where they are easily accessible by the local community and well related to a settlement and that proposals for the redevelopment of existing community facilities that enables them to modernise, remain viable and continue to be retained for the benefit of the community will be supported.

The proposal is for the erection of a two storey extension as well as alterations internally and to the front door which are proposed to ensure the enhancement of the community facility. Given that the building is Grade II listed, listed building consent is required for these changes.

- 2. Impact on the Listed Building

In coming to this decision the council must be mindful of the duty as set out in section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the listed building, its setting and features of special architectural or historic interest which it possesses.

Similarly, DM25 of the local plan refers to heritage assets stating that they are irreplaceable resources. It seeks to preserve and enhance designated assets and their settings.

The Council's Conservation Officer has been consulted on the proposal who notes that they have previously engaged in pre application discussion with the applicant. The Conservation Officer states that their advice at pre application stage has been followed and they have no objection to the works. Initially, the Conservation Officer was concerned about the removal of the chimney but the plans have been amended to show the chimney will be retained.

Given the importance of the listed building and its prominent location within Bradninch, a number of conditions are proposed in order to control the materials and finishes that will be used. Subject to these conditions, the development is considered to preserve the historic building in accordance with DM25 of the local plan.

### - 3. Other Matters

A number of concerns have been raised regarding the impact the proposed access may have on the access which serves dwellings currently known as Old School House and Low Down House. This application is purely for listed building consent and the impacts on the listed building have been found to be acceptable. The impacts relating to access and other material planning considerations are assessed within the report for the concurrent full application (reference

### **CONDITIONS**

14. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
15. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
16. No work shall be carried out on site to any external walls or roofs unless particulars of the materials (including the provision of samples where appropriate) to be used for external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Such particulars will include the detailed finish (rough sawn, hand tooled, etc.) Slate hooks shall not be used.
17. No work shall be carried out to fit any new or alter any existing doors unless details of the design, materials and external finish of these elements have been submitted to and approved in writing by the Local Planning Authority. This will include detailed drawings including sections of at least 1:5. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.
18. All new windows shall be painted white unless agreed in writing by the LPA.
19. No work shall be carried out in relation to new or replacement rainwater goods until details of all new cast metal guttering, down pipes, other rainwater goods, and external plumbing have been submitted to and approved in writing by the Local Planning Authority. Such details once carried out shall not be altered without the prior written consent of the Local Planning Authority.
20. No work shall be carried out in relation to roof parapet unless the design details of all parapet and abutments, including detail drawings at a scale of 1:5, and all new cast metal guttering, down pipes, other rainwater goods shall be submitted to and approved in writing by the Local Planning Authority. Such details once carried out shall not be altered without the prior written consent of the Local Planning Authority.

21. The area(s) of rebuilding shall be restricted to that defined on the approved plan(s) and shall not be enlarged without the prior express grant of Listed Building Consent. In the event that completion strictly in accordance with such approved plans shall become impracticable for whatever reason, work shall thereupon cease and only be re-commenced if and when consent has been obtained in regard to an amended scheme of works which renders completion of the scheme practicable.
22. No work shall be carried out to block any openings unless details of the method of the blocking of all doorways and windows shown on the approved plans are to be submitted to and approved in writing by the Local Planning Authority. This will include materials and finish: pointing and coursing; any doors and architraves to be left in situ; and any reveal. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.
23. No works are to be undertaken to any structural timbers until details of any alteration have been submitted to and approved in writing by the Local Planning Authority. The works will only be undertaken in accordance with the agreed details, and if found to be impracticable will cease until an alternative has been agreed. Any intervention into historic fabric will be minimal with the introduction of additional timber or steel to the structure always being preferred to the replacement of timber.
24. No work shall be carried out to fit any new WCs or Kitchens unless details of all new services to such rooms, including details of routes of foul water and any ventilation or extraction have been submitted to and approved in writing by the Local Planning Authority. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.
25. No work shall be carried out to the existing building unless details of all new and replacement plasters, renders, floor surfaces, ceilings etc., including any making good of any existing structure abutting any of those to be demolished, have been submitted to and approved in writing by the Local Planning Authority. These details shall be submitted in the format of a room by room schedule as necessary. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.
26. No work shall be carried out to alter the front steps until full details including materials, shape and profile of the steps has been submitted to and approved in writing by the Local Planning Authority. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

## **REASONS FOR CONDITIONS**

14. RD3 in accordance with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
15. For the avoidance of doubt in the interests of proper planning.
16. To protect the character and appearance of the listed building in accordance with DM1 and DM25 of the Mid Devon Local Plan (2013-2033).
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26. To protect the character and appearance of the listed building in accordance with DM1 and DM25 of the Mid Devon Local Plan (2013-2033).

## **INFORMATIVES**

In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant and has negotiated amendments to the application to enable the grant of planning permission.

Section 149 of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between different people when carrying out their activities. This is called the Public Sector Equality Duty or "PSED". It has been noted that some of the letters of objection raise the point that a wider access may be required for vehicles used by disabled people. Disability is a protected characteristic and therefore this has been noted and carefully considered in the determination of this application.

## **REASON FOR GRANT OF LISTED BUILDING CONSENT**

Listed building consent for the erection of two storey rear extension to replace existing flat roof section and alterations to improve accessibility including reinstating existing central door on front elevation at The Guildhall, Fore Street, Bradninch is considered acceptable as a matter of principle. The overall scale of the design of the works are considered acceptable and they would not adversely impact the character or appearance of the Grade II listed building. As such, the scheme complies with policies S1, S13, DM1, DM23 and DM25 of the Mid Devon Local Plan (2013-2033) and guidance in the National Planning Policy Framework.

The Human Rights Act 1998 came into force on 2nd October 2000. It requires all public authorities to act in a way which is compatible with the European Convention on Human Rights. This report

has been prepared in light of the Council's obligations under the Act with regard to decisions to be informed by the principles of fair balance and non-discrimination.