

PLANNING COMMITTEE AGENDA - 10th August 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>RECOMMENDATION 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>RECOMMENDATION Grant Listed Building Consent subject to conditions.</p>
03.	<p>21/01501/FULL - Demolition of existing school buildings, including adjacent detached classroom buildings and erection of 8 dwellings with garages at Former Primary School Site, Newton St Cyres, Devon.</p> <p>RECOMMENDATION Grant permission subject to conditions.</p>

Application No. 21/01998/FULL

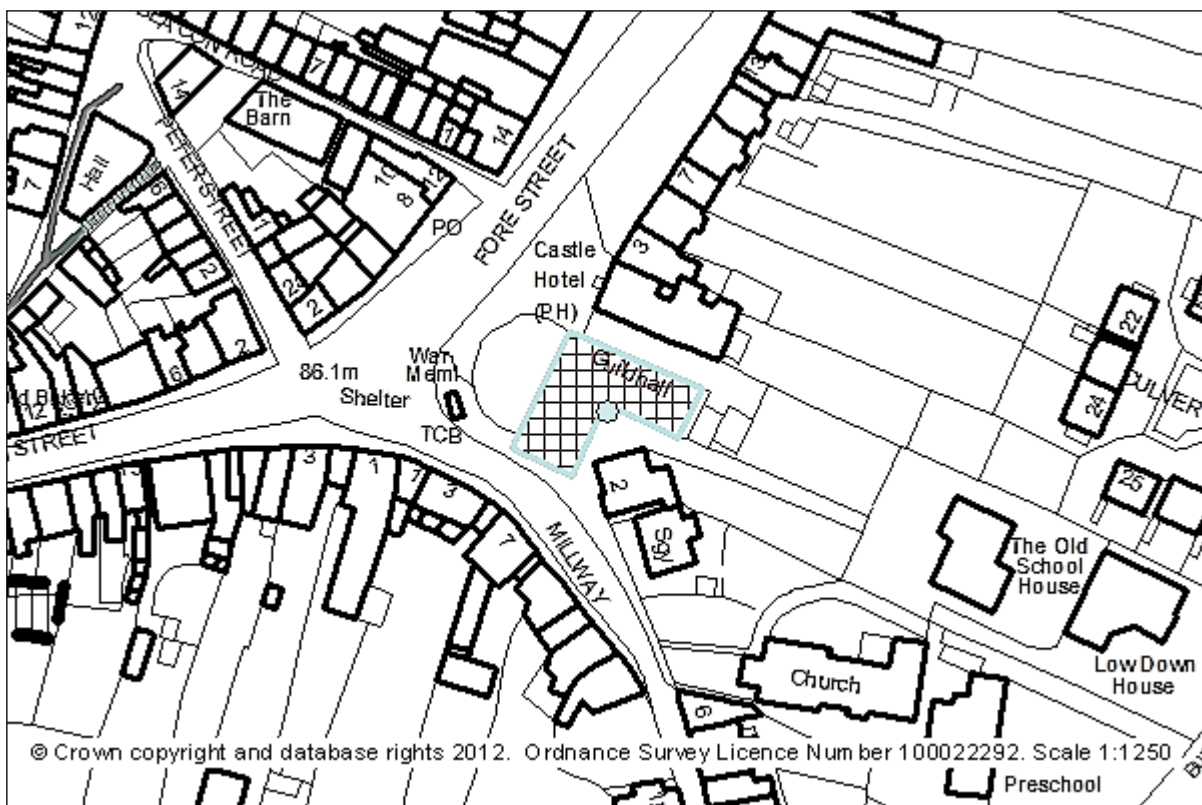
Grid Ref: 299973: 103991

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



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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, 17th 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.

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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.

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Conservation Officer, 26th January 2022:

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

Conservation Officer, 7th February 2022:

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I am happy with the proposal to rebuild the chimney.

Note it is missing from the proposed rear elevation.

Bradinch Town Council, 15th 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.

Bradinch Town Council, 2nd 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'.

Bradninch Town Council 15th July 2021:

The town council supports the revised application, with Ground Plan Rev. E.

Highway Authority, 15th 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, 25th 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, 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 were received at the time the applications initially went before committee and before the plans were revised. Some of the letters were from the same households and individuals and a significant majority refer

to the same concerns. However, as a reminder to members, the considerations raised at the time 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

Following receipt of the revised plans, a new consultation period was carried out and no letters of representation were received. However, it is understood that the immediate neighbours saw the plans before submission and they submitted a letter stating that they would not be objecting to the revisions.

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 proposed are considered acceptable. There is a vast improvement on the previous in that the extension is now much smaller than what it was previously and still appears to be 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, and highways access will not be compromised. Overall, the development is considered to accord with the design principles of policy DM1.

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 was originally 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.

The previous plans were considered to comply with the Highway Authority's Standing Advice and the County Highway Officer raised no objection to the scheme. However, the revised plans have reduced the impact on the drive and as such officers remain content with the scheme. Similarly, no additional letters of representation have been received since the submission of the latest plans.

Initially, 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 initial 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 proposal.

There was also significant correspondence relating to the accuracy of the easement line drawn on the originally submitted plans. 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.

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.

Summary

The application has already been before committee where concerns over the scale of the extension were raised and a site visit requested. Following discussions undertaken with the applicant and those residents that raised concern, revised plans have been received that reduce the overall scale of the extension in order that the access has become wider than that previous to the existing residential homes. The revised plans are considered to accord with policy and as such, the development is considered to be acceptable and is recommended for approval subject to conditions.

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.
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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.
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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.
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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.

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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.

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Not it is missing from the proposed rear elevation.

Bradninch Town Council, 15th 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, 2nd 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'.

Bradninch Town Council 15th July 2021:

The town council supports the revised application, with Ground Plan Rev. E.

Highway Authority, 15th 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, 25th 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 were received at the time the applications initially went before committee and before the plans were revised. Some of the letters were from the same households and individuals and a significant majority refer

to the same concerns. However, as a reminder to members, the considerations raised at the time 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

Following receipt of the revised plans, a new consultation period was carried out and no letters of representation were received. However, it is understood that the immediate neighbours saw the plans before submission and they submitted a letter stating that they would not be objecting to the revisions.

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. 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. Impact on the Listed Building

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.

- 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.

Summary

The application has already been before committee where concerns over the scale of the extension were raised and a site visit requested. Following discussions undertaken with the applicant and those residents that raised concern, revised plans have been received that reduce the overall scale of the extension in order that the access has become wider than that previous to the existing residential homes. The revised plans are considered to accord with policy and as such, the development is considered to be acceptable and is recommended for approval subject to conditions.

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. In accordance with provisions of 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 APPROVAL

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 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.

Application No. 21/01501/FULL

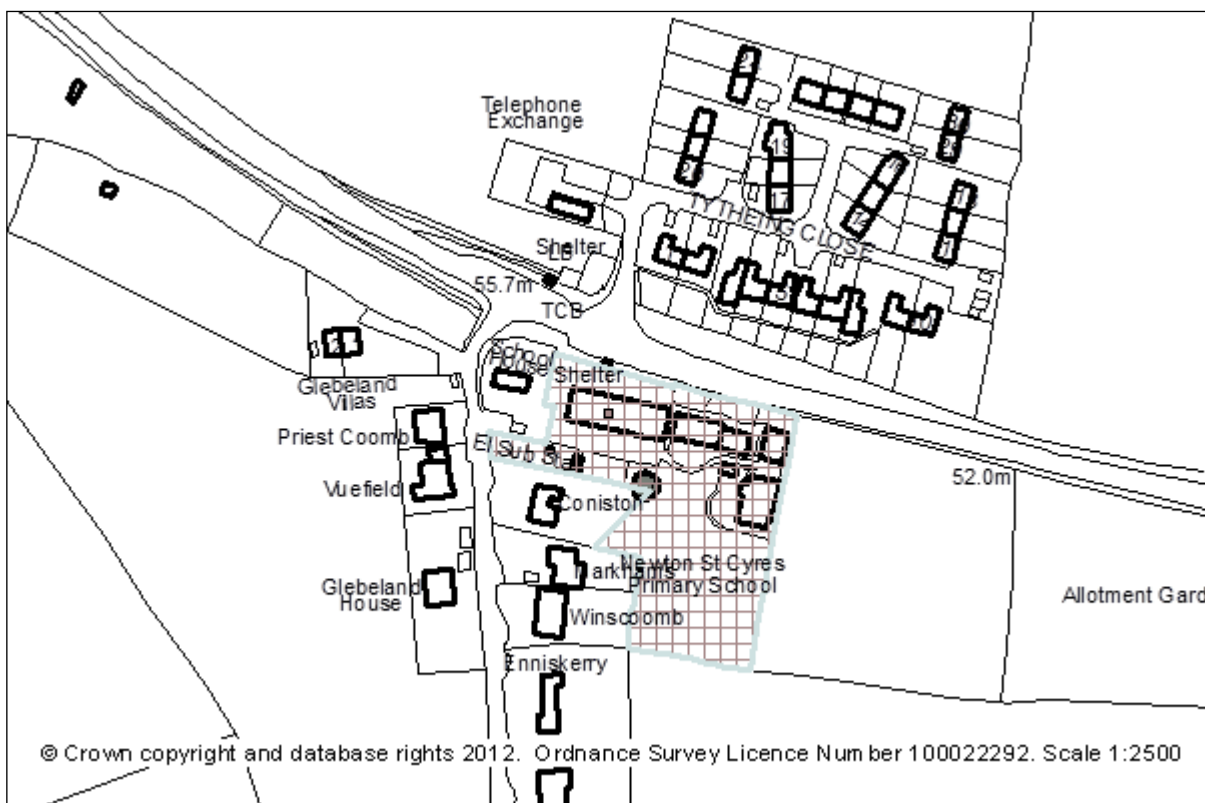
Grid Ref: 288408: 97777

Applicant: Jenner

Location: Former Primary School Site
Newton St Cyres
Devon

Proposal: Demolition of existing school buildings, including adjacent detached classroom buildings and erection of 8 dwellings with garages

Date Valid: 22nd July 2021



APPLICATION NO: 21/01501/FULL

MEMBER CALL-IN

This application has been called in by Cllr Barnell for the following reasons: *'Given continuing local concerns locally about safe access to and from public transport and to and from available children's play space, both of which are important material considerations in determining this application.'*

RECOMMENDATION

Grant permission subject to conditions and the signing of a S106 agreement to secure the following:

- £4,332 - Financial contribution towards secondary school transport costs
- £11,536 - Financial contribution towards public open space
- £109,132 - Off site financial contribution towards the provision of an affordable dwelling

PROPOSED DEVELOPMENT

The applicant seeks planning permission for the demolition of existing school buildings, including adjacent detached classroom buildings and erection of 8 dwellings with garages at Former Primary School Site, Newton St Cyres.

The application site is located within the settlement limit of Newton St. Cyres outside of any landscape designation. It lies to the east of the main crossroads of Newton St Cyres and contains the former primary school, outbuildings and amenity land associated with the school, accessed directly off the A377.

The proposal is for 8 No. detached four/five-bedroom houses with single or double garages and forecourt parking. All properties are two storeys in height with single storey pitched roof garages where attached. There are a number of mature trees situated on the boundaries of the site that are shown on the submitted site layout plan to be retained.

APPLICANT'S SUPPORTING INFORMATION

Completed Application Form, Plans, Design and Access Statement, Arboricultural Report, Drainage Strategy, Driveway and Plots Soakaway Calculations, Highway Soakaway Calculations, Wildlife Survey Report, Financial Viability Appraisal, Proposed materials.

RELEVANT PLANNING HISTORY

97/01394/FULL - PERMIT date 10th November 1997 Consultation by Devon County Council under Regulation 3 of the Town and Country Planning General Regulations 1993 for the erection of a new classroom

00/01380/FULL - PERMIT date 4th October 2000 Erection of a single storey extension, underneath existing canopy roof, to provide new lobby and head teachers room

04/01595/FULL - WDN date 22nd September 2004 Erection of new classroom block and associated works

04/02087/FULL - PERMIT date 23rd December 2004 Erection of new classroom block and associated works and infill under canopy with store and WC

08/01289/DCC - DCCGNT date 9th October 2008 Regulation 3 application for erection of two storey extension following demolition of existing kitchen and erection of first floor extension

10/00481/DCC - DCCGNT date 26th May 2010 Regulation 3 application for the erection of a new pre-school unit on school field, formation of new play area DCC - GRANTED PERMISSION (24/5/2010)

DEVELOPMENT PLAN POLICIES

Mid Devon Local Plan 2013 – 2033

Policy S1 - Sustainable development priorities

Policy S3 - Meeting housing needs

Policy S5 - Public open space

Policy S8 – Infrastructure

Policy S9 – Environment

Policy S13 – Villages

Policy DM1 - High quality design

Policy DM2 - Renewable and low carbon energy

Policy DM3 - Transport and air quality

Policy DM5 – Parking

Policy DM23 - Community facilities

Policy NE1 - Court Orchard, Newton St Cyres

National Planning Policy Framework

National Planning Practice Guidance

CONSULTATIONS

Newton St Cyres Parish Council - 3rd December 2021

Newton St Cyres Parish Council would like to comment that the paved areas are not specified as permeable pavements. These are preferable, particularly, on slopes as they deal better with surface water run-off.

Newton St Cyres Parish Council – 3rd September 2021

Whilst Newton St Cyres Parish Council is generally in favour of this planning application, there are a few areas of concern that we would like clarified and some climate related issues that we would like addressed:

1) The amount of work proposed to T4 which is protected with a TPO ' could MDDC Tree Protection Officer meet on site with the developer's arboriculturist to agree how much work is actually required?

2) The hedge in Sand Down Lane, which has been removed without permission, must be reinstated. This has been promised by the developer but has yet to happen.

3) Clarification on what the old Millennium School Garden strip will be used for?

4) Why is there a need for a gate between the Millennium School Garden strip and Sand Down Lane? Any entrance must be pedestrian only.

Graeme Barnell, our MDDC Councillor, will also be seeking clarification on the S106 process for this site. We would like to request that consideration is given to a crossing for the A377 between the new development and Tytheing Close and improvement works to an existing footpath which runs from Sand Down Lane to Pump Street.

The comments below have been prepared by our Climate Emergency Officer and are fully endorsed by the Parish Council.

These comments have been prepared based on the documents submitted by the applicant. Additional information has been provided by them to the parish clerk in response to the NSC planning checklist. I note revised plans have been submitted 27/8/21 showing the location of 3kw min solar panels. Newton St Cyres Parish Council and Mid Devon District Council have declared a Climate Emergency and these comments reflect the ambitions stated in the Devon Carbon Plan for new housing. This aims for all new housing to be completed with net-zero in mind both in design, use and construction; there is some indication how this will be achieved in these properties from the application as submitted but the application fails to address some climate concerns as follows:

1. There is no commitment stated that the houses will meet 'Future Homes' standards which are due to be introduced soon. This will require 75-80% reduction in CO2 usage compared to current Building regulations. It is up to Local authorities to introduce these more stringent requirements as soon as possible (see 9.3.1 of Devon Carbon Plan). Other housing developments in Devon are already meeting these requirements.

2. There are solar PV and air source heat pumps mentioned for heating in the reply to the clerk. However there is no information regarding the use of battery storage or hot water heating linked to these panels. All new housing will not have gas boilers installed from 2025.

3. There are no rainwater harvesting (other than garden water butts) and re-use technologies planned. Fluvial (i.e. surface water) flooding is likely to be an increasing problem with climate change and additional measures over and above individual soakaways should be considered e.g. swales.

4. Six of the eight plots will have substantial south facing aspects. The government report on overheating in new homes recommends a number of mitigating strategies to deal with this increasing concern at the new build stage rather than retrofit. These include; windows opening inwards to allow for external shutters and brise soleil, air pumps able to operate in reverse etc. (see Research in Overheating in New Homes- Phase 2 report Min of Housing, Communities and Local Government Sept 2019). This application makes no mention of dealing with this issue but an air recirculating system is mentioned in reply to the clerk.

5. In order to meet UK net-zero targets all diesel and petrol cars are to be phased out but this application makes no mention of the installation of 3-phase electricity supply to enable fast electric vehicle charging units to be installed nor the installation of charging units as standard. However chargers are mentioned in reply to the parish clerk.

6. The wildlife survey makes recommendations for net biodiversity gain by the installation of bird and bat boxes on all properties. The application makes no commitment to implementing these recommendations ' only bird boxes are mentioned in reply to the clerk. Therefore a net loss of biodiversity would be the result.

It would seem that, while the application does not provide many details of the environmental features we would hope to see, additional information sent to the parish clerk implies some will be installed. Therefore in order that these features are actually part of the build we recommend they become part of the agreed design by the addition of conditions on the planning decision.

Sue Rowell NSC Climate and Biodiversity Champion 01/09/21

Local Highway Authority – 18th August 2021

Highway Authority - The site is accessed off the A377 a Primary County Route which is restricted to 30 MP.

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.

It is considered that the access proposed can be achieved with suitable visibility, taking into account estimated speeds at this location, it is not considered that the impact will be severe or that there will be a safety concern with the proposal.

The number of trips this development could generate will not be a severe affect on the Highway

Each dwelling shows to have 2 parking spaces which is in keeping with the Mid Devon Policy DM5.

The Highway Authority has no objection to the proposed development, if it is the applicant's intention to offer any of the highway included in the application for adoption as maintainable highways, permission under the Town and Country Planning Act should not be construed as approval to the highway engineering details necessary for inclusion in an Agreement under Section 38 of the Highways Act 1980.

Recommendation:

The Head of Planning, Transportation and Environment, on behalf of Devon County Council, as Local Highway Authority, recommends that the following conditions shall be incorporated in any grant of permission.

Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;

- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays Inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
- (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works; and
- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (k) details of wheel washing facilities and obligations
- (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
- (m) Details of the amount and location of construction worker parking.
- (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

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

Local Highway Authority response in respect to a crossing facility – 26.07.2022

I can advise you that as I have previously stated, I would not be recommending refusal without the upgrade of the crossing as I could not justify this at an Appeal, as there is a crossing point there already, and the 8 dwelling would be less pedestrian traffic than the previous use of a primary school.

Although the Parish Council are keen to see this crossing upgraded and I have said I would try to help them as far as I can, which I believe I have done.

Public Health – 23rd November 2021

Contaminated Land - No concerns JHW - 11.08.21

Air Quality - The site layout has been well selected to ensure that properties are set back from the main A377 which is a busy road to Crediton. The closest property is side on to the road with non-habitable rooms closest. We therefore do not anticipate any air quality concerns. JHW 11.08.21

Environmental Permitting - No comments JMP - 08.08.21

Drainage - No concerns JHW - 11.08.21

Noise & other nuisances - As with air quality, the site layout has been selected to ensure that dwellings are set back from the main A377 with habitable rooms at the rear for those properties

facing the road; the vehicular access being closest to the road. We therefore consider that standard double glazed units will be sufficient to ensure a suitable internal noise climate. JHW - 11.08.21

Housing Standards - No comments - SS - 02.08.21

Licensing- No comments- VL -2.8.21

Food Hygiene - No comments- JMP - 08.08.21

Private Water Supplies - Not applicable - AK - 02.08.21

Health and Safety - No objections

Advisory note: Prior to any demolition, a work plan and risk assessment of all potentially hazardous materials should be completed. This activity is enforced by The Health & Safety Executive. - JMP - 08.08.21

Education Services (D.C.C) – 14th September 2021

Regarding the above planning application, Devon County Council has identified that the proposed increase of 8 family type dwellings will generate an additional 2 primary pupils and 1.2 secondary pupils which would have a direct impact on Newton St Cyres Primary School and Queen Elizabeth's School, Crediton. In order to make the development acceptable in planning terms, an education contribution to mitigate its impact will be requested. This is set out below:

We have forecasted that the nearest primary and secondary schools have currently got capacity for the number of pupils likely to be generated by the proposed development. Therefore, Devon County Council will not seek a contribution towards primary or secondary education infrastructure.

We will however require a contribution towards secondary school transport costs due to the development being further than 2.25 miles from Queen Elizabeth's School, Crediton. The costs required are as follows:

1.2 Secondary pupils

£3.80 per day x 1.2 pupils x 190 academic days x 5 years = £4,332

All contributions will be subject to indexation using BCIS.

The amount requested is based on established educational formulae (which related to the number of primary and secondary age children that are likely to be living in this type of accommodation) and the cost of transporting pupils from the development Queen Elizabeth's School, Crediton. It is considered that this is an appropriate methodology to ensure that the contribution is fairly and reasonably related in scale to the development proposed which complies with CIL Regulation 122.

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.

Natural England – 6th December 2021

Natural England has previously commented on this proposal and made comments to the authority in our letter dated 19 August 2021.

The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal.

The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

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

Natural England – 19th August 2021

Natural England has no comments to make on this application.

Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on ancient woodland and veteran trees which you can use to assess any impacts on ancient woodland.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

We recommend referring to our SSSI Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>.

Council's Arboricultural Officer – 20th July 2022

I have been out to site today and reviewed the tree in relation to the works proposed. T4 beech tree is noted to be 15m tall within the report dated June 2021. The proposed crown reduction works range from 1.5m to 2m. I measured the tree to be 16m in height using my Nikon Forestry Pro Laser Rangefinder. Given that a year has passed from the report such a minor difference in measurement is expectable. The tree has been reduced historically. Most notable on the northern aspect. Re-growth from these reduction points is c.4-5m. Essentially the works proposed is between 13-20% crown reduction, which would conform the BS3998: 2010. I am of the opinion the works proposed are reasonable and are not greater than the previous historic reduction works. The pruning works will maintain a natural shape and will not result in a significant loss of leaf bearing branch and twig material. The crown structure is noted with tight included unions which to some extent are more compromised when compared to a normal branch structure. However, I do not feel this significantly compromises the tree.

In short the works are reasonable and justifiable given previous crown management works. Works will allow the tree to remain in situ and without significant conflict with the new users. Crown reduction works would reduce loading on the unions and reduce potential risk of failure, which is likely already low.

REPRESENTATIONS

Eight letters of representation were received. The objections are summarised as follows:

- The western boundary with Sand Down Lane (the 'millennium garden strip') should be made good prior to any other demolition or building work taking place, which previously was a Devon Bank.
- That no construction traffic should use the entrance created off Sand Down Lane.
- Seek clarification on how the millennium garden strip will be used after the development.
- The specification of a pedestrian gate of narrow width off Sand Down Lane if access is deemed necessary does however seem appropriate.
- It would be appropriate for the proposed gate to be reduced in size and created with sympathetic materials and with good design.
- Remedial work on tree T4 should be made less excessive and clarifying whether site huts, cabins and welfare amenities will be situated in the tree root area still stand.
- Our understanding of planning guidance on remedial tree work on protected trees (B3998.2010; BS5387.2012) is that the work should be proportionate for its stated objectives.
- The entrance to the site is presently an unsightly eyesore that detracts from the amenity value of Sand Down Lane.
- Seek clarification as to why it is necessary for a gate to be built on the boundary between the 'Millennium School Garden' strip and Sand Down Lane. There is an electricity substation at the eastern edge of this strip but local power companies access this via the northern boundary.
- If this land (Millennium School Garden) is deemed surplus to the development, local residents would consider privately buying the land or leasing the land to turn it into a community resource.
- Feel very strongly that the remaining hedges and trees that have no plan for removal or alterations on the proposed plan, very much remain this way.
- We would like to see the developer take some measures to help the community and their future buyers with the current speeding issue on the A377 through the village, such as contributions towards, improved pavements, cycle paths, traffic islands, etc.
- The Management Plan for the wild flower/WPD space is not specified other than cutting twice a year. Could the plan include routine monitoring of the wild flower/grass space and maintenance e.g. inspection for littering/trespass.
- On the Access Plan from the A377 a pedestrian 'pavement' is identified and construction specified. However, the Pavement is truncated and does not extend the few additional metres to join up with the Bus Stop. Given encouragement for greater use of public transport, the pavement needs to be continued to the bus stop to prevent pedestrians having to walk on the A377 which is high risk.
- Prior to planning consent, the long native hedge along the lower field (ditch) at the eastern boundary has been removed. The Plan states that the boundary will now be post and wire. The request is that, in line with Devon Hedge Group and Devon County Trees & Hedges advice, the native hedge be reinstated in full.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

1. Principle of development
 2. The scale and character of the development within Newton St. Cyres.
 3. Access and highway safety
 4. Effects on neighbouring residents
 5. Education
 6. Other matters
 7. Viability and Section 106 agreement
 8. Planning balance
1. Principle of the development/sustainability

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

The National Planning Policy Framework (2021) outlines that development should be guided towards the most sustainable locations available, including previously developed or underused land in settlements. The policies within the NPPF seek to make the most efficient use of land with the assessment to be made as to whether the layout and density of the residential development is appropriate and fits into the context of the site and surrounding area

The Mid Devon Local Plan 2013-2033 was adopted in 2020 and sets out the growth strategy for the District that seeks to balance social, environmental and economic objectives. The following Mid Devon Local Plan 2013-2033 policies are relevant to this application:

- Policy S1 seeks to manage growth in a sustainable way to support the diverse needs of communities, including the provision of affordable housing and making the most efficient use of land.
- Policy S3 seeks to meet the diverse housing needs of the community, including a target provision of approximately 100 affordable dwellings per year across the District.
- Policy S13 provides a definition of villages with defined settlement limits and sets out the type and scale of development that is acceptable within defined settlement limits.
- Policy DM1 considers high quality design based on a number of principles which are set out in the policy and considered in this application.
- Policy DM5 – Parking outlines that development must provide an appropriate level of parking.

As noted earlier, the development is on the site of the former Primary School within the settlement limits of Newton St. Cyres. The NPPF has a positive approach in achieving sustainable development requiring local authorities to consider 3 main mutually supportive ways to provide opportunities for sustainable development, these being economic, social and environmental. The site is off a main route with bus stops outside of the site where a regular bus service operates. Policy DM23 relates to community facilities and requires that they are safeguarded but in this

instance a newer primary school was built in the village (Policy NE1 - Court Orchard, Newton St Cyres) which made this site redundant and no longer required for the purposes in which it was built. Therefore the community facility was relocated rather than lost, therefore the principle of residential development is accepted on site.

2. The scale and character of the development within Newton St. Cyres

The NPPF states that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils, recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services. Development should minimise impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks. If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

The site is previously developed and not located within a designated landscape but the development would be viewed from a number of public vantage points. Policy DM1 (High quality design) outlines:

Designs of new development must be of high quality, based upon and demonstrating the following principles:

- a) Clear understanding of the characteristics of the site, its wider context and the surrounding area;*
- b) Efficient and effective use of the site, having regard to criterion (a);*
- c) Positive contribution to local character including any heritage or biodiversity assets and the setting of heritage assets;*
- d) Creation of safe and accessible places that also encourage and enable sustainable modes of travel such as walking and cycling;*
- e) Visually attractive places that are well integrated with surrounding buildings, streets and landscapes, and do not have an unacceptably adverse effect on the privacy and amenity of the proposed or neighbouring properties and uses, taking account of:*
 - i) Architecture*
 - ii) Siting, layout, scale and massing*
 - iii) Orientation and fenestration*
 - iv) Materials, landscaping and green infrastructure*
- f) Appropriate drainage including sustainable drainage systems (SUDS), including arrangements for future maintenance, and connection of foul drainage to a mains sewer where available;*
- g) Adequate levels of daylight, sunlight and privacy to private amenity spaces and principal windows;*
- h) Suitably sized rooms and overall floor space which allows for adequate storage and movement within the building together as set out in the Nationally Described Space Standard with external spaces for recycling, refuse and cycle storage; and*
- i) On sites of 10 houses or more the provision of 20% of dwellings built to Level 2 of Building Regulations Part M 'access to and use of dwellings'.*

The proposed development is for the erection of eight 2 storey dwellings and all of the units are built to be national space standard compliant. The site is very well related to the village, which provides a range of services and facilities and as such the site is therefore highly sustainable and the proposals provide additional measures to help ensure it becomes well integrated with the village.

The site is not located within a Site of Special Scientific Interest, Area of Outstanding Natural Beauty, Area of Great Landscape Value, and County Wildlife Site or within an area prone to flooding. The application submission demonstrates that the proposed development can be comprehensively mitigated to ensure it can proceed without significant and demonstrable adverse impacts upon environmental interests including trees and wildlife.

The layout of the overall scheme has been influenced by the shape, protected tree position and existing access points. Consideration has been given to the relationship with neighbouring residential properties, so that adequate distance and suitable alignment ensures that there is no overlooking, overbearing, loss of privacy or loss of light to adjacent occupiers.

In terms of density, local planning policy does not refer to target housing density but it is considered the density proposed makes efficient use of the land. The design of the proposed dwellings incorporate a mix of modern and more traditional styles. The resulting scheme incorporates a mix of designs and styles which respect the character of housing found elsewhere within the village while introducing a more modern element that sits comfortably alongside other architectural styles in the area.

3. Access and highway safety

Policy DM1 of the Mid Devon Local Plan states that new development should be safe and accessible based upon and demonstrating the principle of creation of safe and accessible places that also encourage and enable sustainable modes of travel such as walking and cycling. Policy DM5 states that sufficient vehicle parking and bicycle storage must be provided. In addition to these policies, any proposal must not adversely affect the safe functioning of the highway in line with policies S8 (Infrastructure) and DM3 (Transport and air quality) of the Mid Devon Local Plan 2013-2033.

It has been demonstrated that the proposed development can be accommodated on this site without any significant negative impact and there are therefore no highway capacity or safety reasons why this development should not be granted planning approval. The Local Highway Authority has not objected to the development with the view being that the impact on the highway network will not be severe.

With regard to the required on-site parking provision Policy DM5 (Parking) of Mid Devon Local Plan 2013-2033 sets a residential parking standard of 1.7 spaces per unit. The proposed level of on-site parking provision (car, cycle and motorcycle) would comply with the relevant standards within Policy DM5 of the Mid Devon Local Plan 2013-2033.

Adequate provision can be made within the site for service/delivery/emergency vehicle access.

Given the location of the site and the opportunities for residents to walk, cycle, car share and use the public transport network, it is considered that the development is sustainable in transport terms. Therefore, a presumption in favour of the scheme should apply. It is noted that the Parish Council and a number of residents have sought a new crossing facility outside of the site which would make crossing safe for pedestrians to get to the bus stop. The Local Highway Authority has advised that without the crossing facility they would not object to the development and as such it is considered that the facility would not be necessary to make the development acceptable, therefore failing the CIL 122 tests relating to planning obligations. This will be discussed in more detail later in this report.

To summarise, it is considered that the traffic generated by the proposed development would not have a detrimental impact upon the safe operation of the local highway network and in terms of accessibility; the application site is situated in a location that could allow residents to travel by

sustainable modes of transport. Consequently, there are no significant transportation, highway safety or access reasons that should prevent the implementation of this scheme.

4. Effects on neighbouring residents

Paragraph 130 of the NPPF outlines that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

This is reflected in policy DM1 of the Mid Devon Local Plan 2013 - 2033 which sets out that new development should respect the privacy and amenity of neighbouring residents. The siting of the residential units and orientation of windows is such that it is considered that a residential development has been designed to be in accordance with these policies, with adequate separation with windows to habitable rooms of neighbouring properties. The proposed development will have little impact on the amenity levels of the adjacent properties with no overlooking issues or overshadowing. Therefore the development is considered to comply with Policy DM1 of the Mid Devon Local Plan 2013-2033.

5. Education

Devon County Council has identified that the proposed increase of 8 family type dwellings will generate an additional 2 primary pupils and 1.2 secondary pupils which would have a direct impact on Newton St Cyres Primary School and Queen Elizabeth's School, Crediton. They have forecasted that the nearest primary and secondary schools have currently got capacity for the number of pupils likely to be generated by the proposed development and as such Devon County Council will not seek a contribution towards primary or secondary education infrastructure.

However, they will however require a contribution towards secondary school transport costs due to the development being further than 2.25 miles from Queen Elizabeth's School, Crediton. The contribution would be £4,332 and this will be dealt with by way of section 106 agreement as set out below in Section 7.

6. Other matters

Sustainability Credentials

It has been outlined that the applicant is very receptive to sustainable housing which is borne out by a recent development they carried out in Crediton where an EPC of 102 [A rating] was achieved. The intention would be to exceed current Building Regulation requirements at the time of construction or any other Statutory legislation that might be applicable. This will be by using a variety of options available, the proposal would be to provide a thermally efficient, highly insulated fabric of the house together with a highly airtight construction. Solar PV and electric charging [3 phase] facilities would be incorporated in conjunction with MVHR and under floor heating. It has also been explained that purchasers would be offered a choice of other measures such as air source heat pumps and Power wall 2 batteries, subject to additional cost adjustment. These developments are supported by Policy DM2 of the Mid Devon Local Plan 2013-2033.

Ecology

Recommendations, mitigation and enhancements have been outlined within the Wildlife Survey Report, dated 18th July 2021 and produced by Butler Ecology. Further to surveys being undertaken, some old long-eared bat droppings were found when the main brick-built two-storey school building which was surveyed. As a consequence, 6 x emergence surveys were carried out in 2020 and 2021. No fresh droppings were found during 2020 (after the initial site survey) or in 2021, and no bats were seen to emerge. Whilst evidence indicates the roof void of the main school building has been used in the past by individual / small numbers of long-eared bats, the combined surveys in 2020 and 2021 indicate that this is now a defunct / non-functional roost, and falls below the definition of regular use. The report confirms that there are no over-riding wildlife objections to the proposed development.

As there was evidence of historical use, a precautionary approach is recommended, and appropriate mitigation measures are included in the report to minimise the risk of causing disturbance / harm to bats. In addition, features (such as bat and bird boxes) have been recommended to ensure that the proposed development achieves a net-gain in biodiversity. A condition has been recommended to secure these biodiversity mitigation and enhancements on site.

Drainage

Foul drainage would be to mains and surface water drainage to soakaways. Soakaway calculations have been provided for the plots and driveways. The Public Health Team have raised no objections on drainage grounds and it is considered that the proposed scheme can be accommodated subject to specific conditions. The drainage arrangements are considered to comply with Policy DM1 of the Mid Devon Local Plan 2013-2033.

Works to TPO Tree (T4)

Concerns have been raised with regard to the works proposed to a TPO tree on site. However the Council's Arboricultural Officer has commented that the work is in line to how it has been previously managed as the tree has been reduced in the past. Therefore no objections are raised.

7. Viability and Section 106 agreement

A section 106 agreement has been drafted to secure the following:

- £4,332 - Financial contribution towards secondary school transport costs
- £11,536 - Financial contribution towards public open space
- £109,132 - Off site financial contribution towards the provision of an affordable dwelling

The above figures have been derived from the results of a financial viability assessment whereby a valuer was instructed to independently review the financial viability assessment for the LPA which had been submitted by the applicant. The applicant's initial assessment raised concerns with the Council's independent surveyor to the point where the further investigations were asked to be undertaken to check the costings submitted.

Following this secondary investigation where figures were highly scrutinised by an independently instructed Quantity Surveyor, the applicant's viability was increased significantly to provide contributions of £125,000. Following many discussions on the viability this most recent figure is considered to be acceptable and is a vast improvement on what was originally proposed.

As members will be aware, any planning obligation needs to comply with the CIL 122 tests which are that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The recognised planning obligations for a policy compliant development were:

- £4,332 Financial contribution towards secondary school transport costs
- £11,536 Financial contribution towards public open space
- Off site financial contribution towards the provision of an affordable dwelling (nb vacant building credit reduced this to one dwelling where the CVA assumed this to be approximately £150,000).

The delivery of affordable housing has been viewed as the priority for the Council but the approach taken is that the contributions could be split to address the identified obligations with the public open space and education contributions made in full with the remainder provided to affordable housing.

As commented upon previously in the report, a number of representations have requested the provision of a crossing facility outside of the site to be provided from the development but the Local Highway Authority was of the view that firstly it was not required and secondly that there was a crossing facility installed in the village lower down. Therefore it would be difficult to argue that the contribution will meet the CIL 122 Tests given the response from the Local Highway Authority.

In light of the desire for a crossing facility, and noting members concerns, the Local Highway Authority were asked to comment further on the matter. They have commented that although the Parish Council have great aspiration for this crossing to be upgraded, if the crossing was not proposed as part of the application, then the development would still be acceptable and they would struggle to support a refusal on this ground at an appeal.

In terms of works involved, a formal crossing point outside of the site, with perhaps an island in the middle of the carriageway has been suggested, as the case put forward by the Parish Council is that the crossing lanes are too wide for the elderly and parents with prams etc. The Local Highway Authority comment that they agree that the existing crossing could be upgraded to this, although a controlled crossing like further down the hill, could not be delivered here as this is the A377 and part of the strategic network within Devon and not suitable for two controlled crossing in close proximity.

8. Planning balance

The following paragraphs consider the impacts of the development and finally weigh in the balance of the benefits of the proposal against identified harm, and assess whether there are special circumstances to warrant approval of a housing development within this location.

The development will provide 8 open market properties on a site that currently has no benefit to the community. Policy S1 of the Mid Devon Local Plan 2013-2033 seeks sustainable growth which enhances the self-sufficiency of communities and provides access to education, jobs and sustainable transport. Policy S2 focuses development on the towns and states that other settlements should have only limited development to meet local needs and promote vibrant rural communities. Newton St. Cyres is classed as a village where development should be limited to meet local needs. It is considered that this application will bring forward a sustainable proposal for 8 dwellings on a site which is within the settlement limits on a brownfield site.

The design, size, scale, form, and layout of the houses, together with materials have been carefully considered and fit in to the village and the wider landscape; it is considered that the development would be seen in the context of the existing built form of Newton St. Cyres.

Taking all the above into account, it is considered that the delivery of housing on a sustainable site results in a development that accords with the NPPF. Subject to appropriate conditions and provisions of the proposed s106 agreement there are no technical objections to the application. The Local Planning Authority concludes that the adverse impacts of the development would not significantly and demonstrably outweigh the benefits, when assessed against the policies taken as a whole. Accordingly the development is recommended for approval.

Section 149 of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between different people when carrying out their activities. This is called the Public Sector Equality Duty or "PSED". No persons that could be affected by the development have been identified as sharing any protected characteristic.

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 materials to be used for all the external surfaces of the buildings shall be those as agreed in writing, namely:

Roof – Either Redland Red Rosemary plain clay tiles, red half round ridges and matching hip tiles or Spanish Slate

Walls – Ibstock “Ivanhoe Katrina Multi” and/or Ibstock “Ivanhoe Olde Village”

Wall Cladding – Vertical red clay tiles where indicated and Waney edge Larch boarding where indicated.

Fascia/soffits – Painted black timber

RW Goods – Black half round gutters and circular downpipes.

Windows – Narrow flush fitted UPVC casements with aluminium Bi – folding doors, all in white finish. With white UPVC projecting cills.

Front Doors – Stained timber

The development shall be carried out in accordance with these approved materials and shall be so retained.

4. All planting, seeding, turfing or earth reprofiling comprised in the approved details of landscaping as shown on drawing no.2110-01 Rev D shall be carried out within 9 months of the substantial completion of the development or first planting season (whichever is sooner). Any trees or plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species. Once provided, the landscaping scheme shall be so retained and maintained for the lifetime of the development. Details of how the landscaping is to be managed for the lifetime of the development will first be submitted to the Local Planning Authority and agreed in writing. Such details shall include the name of the management company (where appropriate).
5. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:
 - (a) the timetable of the works;
 - (b) daily hours of construction;
 - (c) any road closure;
 - (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
 - (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
 - (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
 - (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
 - (h) hours during which no construction traffic will be present at the site;
 - (i) the means of enclosure of the site during construction works; and
 - (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
 - (k) details of wheel washing facilities and obligations
 - (l) The proposed route of all construction traffic exceeding 7.5 tonnes.

- (m) Details of the amount and location of construction worker parking.
- (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

The CMP shall also identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and waste disposal resulting from the site preparation, groundwork and construction phases of the development and manage Heavy/Large Goods Vehicle access to the site. It shall include details of the hours of operation and measures to be employed to prevent the egress of mud, water and other detritus onto the public and any non-adopted highways. Once approved the CMP shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

6. In accordance with details that shall previously have been submitted to, and approved by, the Local Planning Authority in writing, provision shall be made within the site for the disposal of surface water so that none drains on to any County Highway. These approved measures shall be implemented prior to occupation of the development.
7. Any dwelling constructed shall not be occupied until the access, parking and turning areas associated with that plot have been provided in accordance with the approved site plan, drawing no. 1924-100 Rev B. Following their provision these facilities shall be so retained for the lifetime of the development.
8. The development hereby approved shall be carried out in accordance with the recommendations, mitigation and enhancements outlined within the Wildlife Survey Report, dated 18th July 2021 and produced by Butler Ecology. Prior to occupation of any of the dwellings hereby approved, details shall be submitted to the Local Planning Authority and approved in writing, to confirm the location of the ecological enhancement measures installed for the bird nesting provision and bat roosting provision as set out in the Wildlife Survey Report which shall be made available for inspection.
9. Prior to the first occupation of the dwellings hereby approved, details of any external lighting within the application site shall be submitted, to and agreed in writing by the Local Planning Authority as part of a lighting strategy with external lighting installed in accordance with the agreed details. For the avoidance of doubt, new lighting on site shall be directed away from existing vegetation with any mature trees on site to be kept as dark as possible without compromising safety on site.
10. Prior to first occupation of the dwellings hereby approved, full details of bin storage and refuse collection will be provided to the Local Planning Authority and approved in writing. Such approved details will then be implemented and will be maintained for the lifetime of the development.
11. Prior to their use within the development, final details for the proposed Solar PV panels, electric charging facilities and air source heat pumps to serve residential plots shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with these approved 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 ensure the use of materials appropriate to the development in order to safeguard the visual amenities of the area in accordance with Mid Devon Local Plan 2013-2033 Policies S9 and DM1.
4. To ensure that the development makes a positive contribution to the character and amenity of the area in accordance with policy DM1 of Mid Devon Local Plan 2013-2033.
5. To ensure that the proposed development does not prejudice the amenities of neighbouring occupiers in accordance with Policy DM1 of the Mid Devon Local Plan 2013-2033.
6. In the interest of public safety and to prevent damage to the highway.
7. In the interest of highway safety, and to ensure that adequate on-site facilities are available for traffic attracted to the site in accordance with Policy DM5 of the Mid Devon Local Plan 2013-2033.
8. To ensure the protection of endangered species, under the European Habitats Directive and the Conservation of Natural Habitats and of Wild Fauna and Flora [Council Directive 92/43/EEC] which is implemented in the UK by the Conservation [Natural Habitats & Conservation] Regulations 1994 [Statutory Instrument No 2716] amended in 2007 and in accordance with policy DM1 of Mid Devon Local Plan 2013-2033.
9. To safeguard the amenity levels enjoyed by the occupiers of neighbouring properties and to protect wildlife in accordance with policy DM1 of the Mid Devon Local Plan 2013-2033.
10. To ensure that the proposed development provides adequate bin storage for the occupiers of the development and that the provision of such does not prejudice the amenities of neighbouring occupiers in accordance with Policy DM1 of the Mid Devon Local Plan 2013-2033.
11. For the avoidance of doubt and in the interests of proper planning in accordance with Policy DM2 of the Mid Devon Local Plan 2013-2033.

INFORMATIVES

1. Health and Safety Advisory note: Prior to any demolition, a work plan and risk assessment of all potentially hazardous materials should be completed. This activity is enforced by The Health & Safety Executive.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The site is located within the defined settlement limit of Newton St. Cyres, therefore the principle of residential development on this site is accepted. The access into the site to serve a development of 8 dwellings is considered acceptable to the Highway Authority. It is considered that on balance, the overall design, scale and layout of the residential development is acceptable in this location not resulting in a significant detrimental impact on the landscape. The application should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF, taken as a whole. There are no technical reasons why the application should not be approved subject to appropriate mitigation as proposed with drainage measures considered to be acceptable and impacts on biodiversity and

landscape can be adequately mitigated. The delivery of 8 new homes and planning obligations weigh in favour of approval of the application providing public benefits which would outweigh any harm from the development with adequate parking facilities provided. The site is considered to be a sustainable location within walking distance of services and facilities. Taking all the above into consideration, the application is considered to be acceptable meeting the requirements of Policies S1, S3, S13, DM1, DM2 and DM5 of the Mid Devon Local Plan 2013-2033.

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