

PLANNING COMMITTEE AGENDA - 12th July 2023

Applications of a non-delegated nature

<u>Item No.</u>	Description
01.	23/00654/FULL - Erection of a dwelling with associated hard and soft landscaping works at Land at NGR 303782 111147, Fir Close, Willand. RECOMMENDATION Grant permission subject to conditions.

Application No. 23/00654/FULL

Grid Ref: 303782: 111147

Applicant: Mike Lowman, Mid Devon District Council

Location: Land at NGR 303782 111147
Fir Close
Willand
Devon

Proposal: Erection of a dwelling with associated hard and soft landscaping works

Date Valid: 24th April 2023



APPLICATION NO: 23/00654/FULL

Site Visit: Yes

Date of Site Visit: 14th June 2023

Decision Delayed Reason:

To allow to go before Planning Committee.

MEMBER CALL-IN

The application was not called in – it is before Committee due to Mid Devon District Council being the applicant.

RECOMMENDATION

Grant permission subject to conditions.

PROPOSED DEVELOPMENT

The proposed development is for the erection of a dwelling with associated hard and soft landscaping works at Land at NGR 303782 111147, Fir Close, Willand. The site is within the Willand Settlement Limit but is not within a Conservation Area or Flood Risk Area. The proposal itself is for a factory built modular home built by Zed Pods.

APPLICANT'S SUPPORTING INFORMATION

In support of the application the submission includes:

- Planning statement
- Design and access statement
- Transport statement
- Utilities report
- Topographical survey
- Geo-environmental assessment
- Site location and block plans
- Proposed plans

RELEVANT PLANNING HISTORY

No relevant planning history.

DEVELOPMENT PLAN POLICIES

Mid Devon Local Plan Review 2013 – 2033

- Policy S1 – Sustainable development
- Policy S2 – Amount and distribution of development
- Policy S13 - Villages
- Policy S3- Meeting housing needs
- Policy DM1 – High quality design
- Policy DM3 – Transport and air quality
- Policy DM5 - Parking

CONSULTATIONS

Highway Authority, 27th April 2023:

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.

Environment Agency:

Operational development less than 1 ha within Flood Zone 1 - No EA consultation required.

Willand Paris Council, 15th May 2023:

Willand Parish Council has resolved to offer no objection.

Public Health, 10th May 2023:

We have considered the application and read the report submitted following a Phase 1 contaminated land site investigation. There is evidence of on and near surface contamination arising from former uses and the writer recommends that an intrusive investigation is carried out. We therefore recommend that the full contaminated land condition is included on any approval.

REPRESENTATIONS

This planning application has been advertised by means of a site notice erected by the applicant, by notifying immediately adjoining neighbours in writing and by advertising in a local newspaper in accordance with the legal requirements for publicity on planning applications, and the Council's Adopted Statement of Community Involvement October 2016.

The following properties were written to:

19 Fir Close, Willand
13 Fir Close, Willand
12 Fir Close, Willand
11 Fir Close, Willand
10 Fir Close, Willand
14 South View Close, Willand
13 South View Close, Willand
12 South View Close, Willand
16 South View Close, Willand
15 South View Close, Willand

No letters of representation have been received at the time of writing this report.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

1. Policy and principle of development
2. Design and amenity
3. Highways and parking
4. Contamination
5. Planning balance

1. Policy and principle of development

- 1.1. Policies S1, S2 and S3 of the Mid Devon Local Plan set the strategic basis for development in Mid Devon and seek to ensure that Mid Devon is meeting relevant housing targets. More specifically, Policy S13 of the Mid Devon Local Plan refers to development in defined rural settlements such as Willand. It permits small scale housing development within these locations. Given that the site is within the Willand Settlement Limit, the principle of residential development on the site is established.

2. Design and amenity

- 2.1. Policy DM1 refers to high quality design and seeks to ensure this according to a number of principles. These include; having a clear understanding of the site, making efficient use of the site, creating visually attractive places, meeting nationally described space standards and avoiding adverse neighbourhood amenity impacts.
- 2.2. The proposal comprises a factory built volumetric home with the aim of being more energy efficient than standard homes. It includes triple glazed windows, heat recovery ventilation and solar panels. The dwelling comprises one bedroom, a living area, kitchen and bathroom across two storeys. The overall ridge height does not exceed that of the neighbouring dwellings allowing the proposed dwelling to have a limited visual impact on the overall street scene. The roof slates largely match the local vernacular, however, whilst the cladded walls will give the appearance of brick, they will differ slightly to the surrounding dwellings. However, a condition has been added to control the colour and finish of the materials and the appearance is high quality. It is also notable that the existing dwellings in the area carry little historical or architectural merit. Overall, the appearance is considered acceptable.
- 2.3. In terms of amenity, the proposed dwelling meets the nationally described space standards for a 1 bedroom dwelling for 1 person. The rooms will benefit from good levels of natural light and the terrace and garden area will also contribute to good levels of amenity for future occupiers. Owing to the modest scale and sympathetic siting of the proposed dwelling, there are no significant concerns in terms of overbearing impacts or overshadowing. With regards to overlooking, the dwelling is proposed approximately 20m west of the existing terrace to the east of Fir Close and whilst the upper floor windows will provide some views into the garden areas, this is not considered to be an unacceptable increase compared to the existing views along the terrace and due to the very open nature of the existing street scene. Similarly, there will be some views towards the western neighbouring gardens but this is not expected to be an unacceptable increase given the existing terrace layout and existing overlooking which is common for a residential area such as this. Any views further to the north will be restricted

by the proposed planting scheme and it is notable that no objections have been raised by neighbours. A terrace is proposed at ground floor level and a condition has been added to ensure there is a privacy screen installed.

- 2.4. Overall the development is considered to make efficient use of a vacant site in a residential area with a well-designed dwelling. There are no significant concerns in terms of amenity and as such the proposal complies with DM1 of the Local Plan.

3. Highways and parking

- 3.1. DM3 of the Local Plan requires development to have safe access onto the highway network whilst DM5 requires 2 parking spaces for a single residential dwelling.

- 3.2. The access will join the unclassified highway where vehicle speeds are notably slow. Visibility is good due to the neighbouring dwellings being set back from the highway and overall there are no concerns in terms of access. It is not expected that one residential dwelling will significantly increase traffic movements in the locality. Two off road parking spaces are also provided in accordance with DM5.

4. Contamination

- 4.1. A geo-environmental assessment report has been submitted to support the application with the report finding that there is some potential for contamination from previous fires, fertiliser and asbestos as the site may have previously been used as an allotment. Further survey work is recommended by both the environmental assessment and Council's Public Health Team and this is secured by pre commencement condition.

5. Planning balance

- 5.1. Overall, the proposal is for residential development within a defined settlement which is supported by the Local Plan. The dwelling is high quality in terms of design owing to the energy efficiency and visual attractiveness. Whilst there are some views towards neighbouring dwellings, these are typical of the area and not considered to be a significant increase or unacceptable due to the existing situation and separation distances. The access and parking is acceptable and conditions have been added to ensure there are no contamination risks. As such, the development complies with local policy and approval is recommended.

REASON FOR APPROVAL

The proposed erection of a dwelling with associated hard and soft landscaping works at Land at NGR 303782 111147, Fir Close, Willand is considered acceptable in policy terms. The principle of development is established as the site is within the defined settlement of Willand. The design, access and car parking is acceptable and the use of conditions prevents any adverse contamination impacts. As such, the development complies with policies S1, S2, S3, S13, DM1, DM3 and DM5 of the Mid Devon Local Plan (2013-2033) and guidance in the National Planning Policy Framework.

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. Before the development hereby approved is commenced, a site investigation and risk assessment shall be carried out to determine the nature and extent of land contamination that may be present and the likely impact on all receptors that may result. A full report of the investigation and risk assessment shall be forwarded to the LPA for approval. No work shall proceed on site until either the LPA grants written consent for the development to commence or the requirements of condition (4) below are met.
4. Where actual or probable significant pollutant linkages are found following the investigation and risk assessment required by condition (3) above, the applicant shall submit a remediation statement together with a timescale for completion of the required works for approval in writing by the LPA.
5. Following completion of any works required by condition (4) above, a remediation validation report shall be submitted to the LPA for approval in writing. Occupation on the site, or parts of the site affected by land contamination, shall not take place until approval of the validation report has been granted.
6. All planting comprised in the approved details of landscaping as shown on drawing no. Z40-ZP-A1-GF-DR-A-ST-004-S1-P01, shall be carried out in the first planting season, following the occupation of the dwelling hereby permitted or substantial completion of the development, whichever is the sooner, with a species mix that shall first be submitted to and approved by the Local Planning Authority. Any trees or plants which within a period of five years from the implementation of the scheme (or phase thereof), die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. The landscaping scheme shall be so retained.

7. Before use of the terrace, a 1.7m high privacy screen shall be erected on either side of the terrace area in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. The privacy screen shall thereafter be permanently retained. For the avoidance of doubt, the privacy screens shall be the form of a solid barrier such as that of a timber or obscure glazed.
8. Notwithstanding the approved plans and supporting documentation, prior to the erection of the external wall materials, details of the colour and finish of the materials to be used (including samples where appropriate) shall be submitted to and approved in writing by the Local Planning Authority. Such approved details shall be so used and retained.

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. In the interests of public health and the protection of the environment. The condition is required to be prior commencement to ensure the residential development is deliverable on the site before work commences.
4. In the interests of public health and the protection of the environment.
5. In the interests of public health and the protection of the environment.
6. To ensure that the development makes a positive contribution to the character and amenity of the area in accordance with DM1 of the Local Plan.
7. To protect neighbourhood amenity in accordance with DM1 of the Local Plan.
8. To protect the character and appearance of the area in accordance with DM1 of the Local Plan.

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 utilised planning conditions 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". No persons that could be affected by the development have been identified as sharing any protected characteristic.

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.