

PLANNING COMMITTEE AGENDA - 30th August 2023

Applications of a non-delegated nature

<u>Item No.</u>	Description
01.	23/00073/MFUL - Change of use of A Block (1040 sqm) from D1 (Non Residential Institutions) to B8 (storage or distribution) at Petroc, Bolham Road, Tiverton. RECOMMENDATION Grant permission subject to conditions.
02.	23/00896/FULL - Redevelopment of site for the erection of a Chapel of Rest and Funeral Parlour (Use Class E) at 19 High Street, Cullompton, Devon. RECOMMENDATION Grant permission subject to conditions.

Application No. 23/00073/MFUL

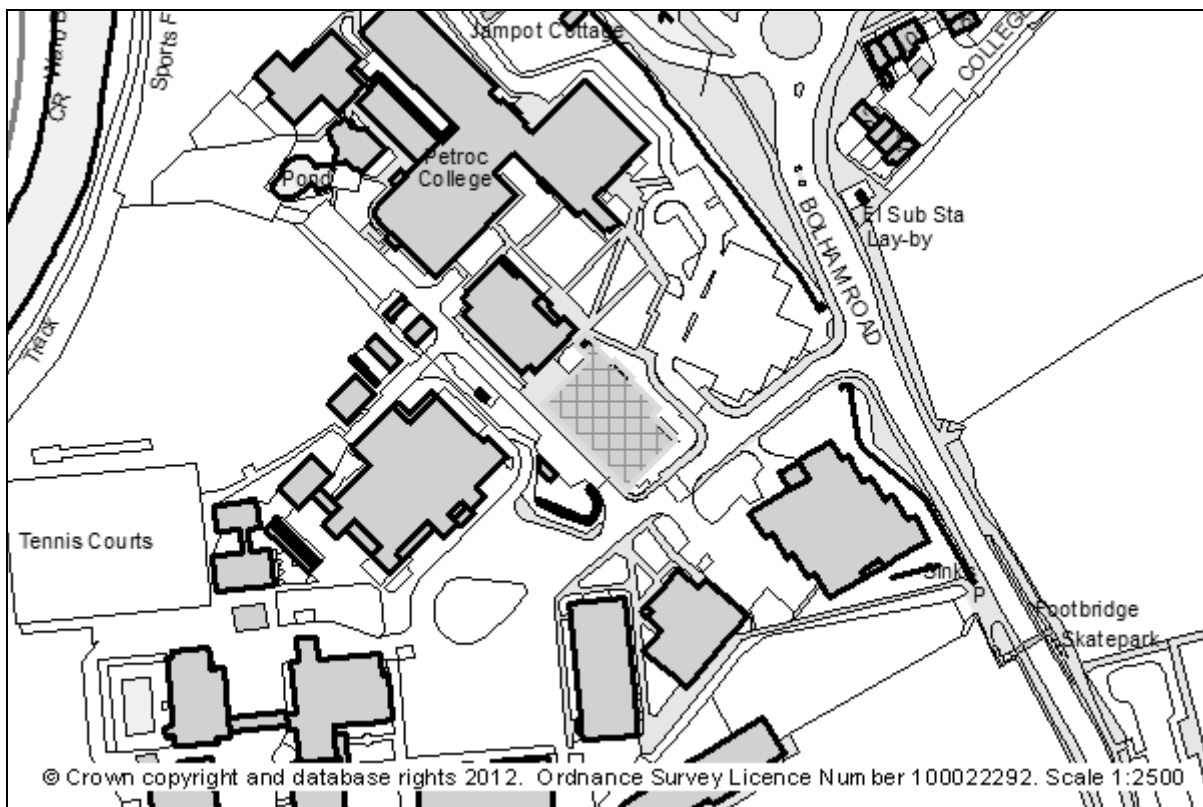
Grid Ref: 295207 : 113645

Applicant: Mr Jason Quinn

Location: Petroc
Bolham Road
Tiverton
Devon

Proposal: Change of use of A Block (1040 sqm) from D1 (Non Residential Institutions) to B8 (storage or distribution)

Date Valid: 8th February 2023



APPLICATION NO: 23/00073/MFUL

Site Visit: Yes

Date of Site Visit: 28th February 2023

Decision Delayed Reason:

Amended scheme and to allow to go before Committee.

MEMBER CALL-IN

The application was called in from the majors list by Cllr Cruwys at the Planning Committee meeting on the 1st March 2023. The scheme has since been amended but Cllr Cruwys has confirmed that he would still like the application to go before Committee in order to discuss highways impacts.

RECOMMENDATION

Grant permission subject to conditions

PROPOSED DEVELOPMENT

The proposed development is for the change of use of A Block (1040 sqm) from D1 (Non Residential Institutions) to B8 (storage or distribution) at Petroc, Bolham Road, Tiverton. Initially, the application was to change use to B1 (offices), however, this was changed during the process of the application. The required consultations were undertaken following the change.

The site is within the Tiverton settlement limit but not within the town centre area. It is not within a Conservation Area and there are no nearby listed buildings. However, it does fall within Flood Zone 2.

APPLICANT'S SUPPORTING INFORMATION

In support of the application, the submission includes:

Flood risk assessment, design and access statement, site location plan, block plan and proposed plans.

RELEVANT PLANNING HISTORY

00/00857/FULL - NOBJ date 23rd March 2001 Alteration of existing planning consent (4/52/95/958) relating to construction of flood prevention bank and regrading of land to provide flood storage capacity

02/00196/FULL - PERMIT date 27th March 2002 Erection of refectory, student guild and teaching accommodation

02/02827/FULL - PERMIT date 23rd April 2003 Erection of children's nursery unit with associated landscaping and play facilities

04/01635/OUT - PERMIT date 27th October 2004 Outline for demolition and refurbishment of existing building stock, erection of new reception/health & beauty/integrated learning centre, alterations to access and provision of new car parking spaces.

05/00949/FULL - PERMIT date 21st June 2005Erection of replacement workshop with reconfiguration of rear access road and provision of parking

05/01706/FULL - PERMIT date 21st September 2005Relocation and extension of motor vehicle workshop building and formation of additional parking

05/02609/FULL - PERMIT date 21st February 2006Erection of new education block and alterations to access road, car parking and landscaping

06/01477/FULL - PERMIT date 23rd August 2006Insertion of additional windows on rear elevation of previously approved education block

77/00758/FULL - PERMIT date 9th August 1977Erection of social mobile accommodation for students

77/01544/FULL - DEMCON date 30th January 1978DEEMED CONSENT for renewal of application for siting two double mobile classrooms for further three years

78/00962/FULL - DEMCON date 15th September 1978DEEMED CONSENT for the erection of a double mobile classroom unit

81/00321/FULL - DEMCON date 16th June 1981DEEMED CONSENT for the retention of two double mobile classrooms

07/01108/FULL - PERMIT date 26th July 2007Variation of Conditions 2 and 5 of Planning Permission 05/02609/FULL to alter the extension works layout and to omit the requirements for car parking to be provided prior to the occupation of the rear education building

07/01407/PNDEM - DELETE date 17th October 2007Prior Notification for demolition of redundant college buildings

09/00734/FULL - PERMIT date 6th July 2009Installation of 2 passive ventilation cowls to roof of Block B

10/00527/ADVERT - PERMIT date 15th June 2010Advertisement Consent to display 2 non-illuminated signs

10/00528/ADVERT - PERMIT date 25th June 2010Advertisement Consent to display 3 non-illuminated signs

13/00516/FULL - PERMIT date 11th June 2013Change of use from B1 to D1, erection of new canopy and walkway

13/01363/MFUL - PERMIT date 18th December 2013Erection of a science and engineering centre following demolition of existing caretaker's dwelling

14/00123/FULL - PERMIT date 20th March 2014Erection of extension to house new workshop, commercial style kitchen and cafe

13/01363/MFUL/NMA - PERMIT date 23rd October 2014Erection of a science and engineering centre following demolition of existing caretaker's dwelling. Non-material amendment to move proposed building 1 metre away from existing water course - NON-MATERIAL AMENDMENT GRANTED 23RD OCTOBER 2014

14/00123/FULL/NMA - DELETE date 21st October 2014Erection of extension to house new workshop, commercial style kitchen and cafe - Non-material amendment to change some external materials

21/00999/ADVERT - PERMIT date 13th July 2021Advertisement Consent for the display of 1 non-illuminated tray sign to the front elevation of Block B

22/01099/FULL - PERMIT date 2nd August 2022Installation of 4 new windows and 2 new external doors and raised walkway to southwest and southeast elevations

23/00073/MFUL - PDE date Change of use of A Block (1040 sqm) from D1 (Non Residential Institutions) to B8 (storage or distribution)

23/00074/FULL - PERMIT date 13th July 2023Change of use of E Block from D1 (Non Residential Institutions) to Class E(f) (Crèche/nursery)

DEVELOPMENT PLAN POLICIES

Mid Devon Local Plan 2013-2033

S1 Sustainable development priorities

S10 Tiverton

DM1 High quality design

DM3 Transport and air quality

DM5 Parking

National Planning Policy Framework

Tiverton Neighbourhood Plan 2020 to 2033

T1 Location and scale of development in Tiverton

T4 Character of development

T5 Design of development

T7 Minimising the risk of flooding

T16 Encouraging safe and sustainable movement

CONSULTATIONS

Highway Authority, 13.02.2023:

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.

Highway Authority, 30th May 2023:

This is a well-connected site with Bus Stops and in walking distance to other services.

The application is to change this unit to B2 which your Local plan would require 33 car parking spaces. Which is a high number of spaces, and I have read the email from the Agent who has stated the whole site does not conform to the DM5 Policy.

The Highway Authority would always try to help the applicants to be in line with your policy, but our only reason for recommendation of refusal would be if the lack of parking spaces would cause parking on the public highway and this to cause a Highway safety issue. But as the surrounding highways are A roads and have double yellow lines, I cannot see this being a highway concern.

Highway Authority, 4th July 2023:

I believe for clarity, you should ask the Applicant to provide a transport Statement for the B8 use to ensure the number of trips are not going to cause a severe impact on the highway network.

Highway Authority, 7th July 2023 (regarding Transport Statement):

This is acceptable.

Public Health, 22nd February 2023:

We have considered the application and do not anticipate any environmental health concerns.

Public Health, 28th June 2023:

No EH concerns regarding the updated information.

DCC Lead Local Flood, 21st February 2023:

At this stage, we object to this planning application because we do not believe it satisfactorily conforms to Policy S9/DM1 of Mid Devon District Council's Local Plan 2013 to 2033 (Adopted

2020), which requires developments to include sustainable drainage systems. The applicant will therefore be required to submit additional information in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

Observations:

The applicant has not provided any information in relation to the disposal of surface water from the site to enable me to make observations on the proposal. The applicant must therefore submit a surface water drainage management plan which demonstrates how surface water from the development will be disposed of in a manner that does not increase flood risk elsewhere, in accordance with the principles of Sustainable Drainage Systems. The applicant is therefore advised to refer to Devon County Council's draft Sustainable Drainage Design Guidance, which can be found at the following address:

<https://www.devon.gov.uk/floodriskmanagement/planning-and-development/suds-guidance/>.

The latest proposal mentions that the unit is to be changed to B2 and proposes 33 car parking spaces. All impermeable areas introduced shall have some surface water management in place. The applicant may consider green roof, reuse rainfall such as for flushing toilets. SuDS Planters (or similar rain gardens) could be constructed at the base of rainwater downpipes also. It is recommended that assessment is carried out to the surface water pipeline serving the building to ensure that the system is in good condition for serving the newly proposed offices.

DCC Lead Local Flood, 9th June 2023:

Our objection is withdrawn and we have no in-principle objections to the above planning application at this stage.

Observations:

The submitted Proposed Change of Use of A Block from D1 (Non-Residential Institutions) to B8 (Storage)

Design and Access Statement confirmed that the proposed changes will not create any additional impermeable area and there are no additional parking spaces being formed as part of this change of use.

The applicant may consider green roof, reuse rainfall such as for flushing toilets. SuDS Planters (or similar rain gardens) could be constructed at the base of rainwater downpipes also.

It is recommended that assessment is carried out to the surface water pipeline serving the building to ensure that the system is in good condition for serving the newly proposed offices.

The ingress and egress route shall be identified as the proposed development is located in flood zone.

Economic Development, 22nd June 2023:

As the proposal is for a change of use to B8 there is no loss of employment land. However, it is noted that information has not been provided about any jobs creation potential.

Whilst we are not aware of a policy, within the local plan, that seeks to protect and retain use D1: non-residential institutions (education); a change away from this use is of serious concern as it reduces the mass of educational space in this location. A change of use to B8 storage/distribution, does not optimise the potential that co-location of other, more appropriate, uses could offer i.e. collaboration and knowledge exchange. Furthermore there is a potential conflict in relation to this proposed use i.e. increases to traffic types and movements on an educational campus. Economic Development object to this application.

Bampton Town Council, 17th July 2023:

Bampton Town Council feel they should have been consulted as children from Bampton go to Tiverton to school. This will mean a reduction in available training facilities, together with an increase in traffic along the main shared drive with the increased risk to the safety of students, staff and carers. Council are also raising safeguarding issues if unmonitored access is allowed for day/night storage.

REPRESENTATIONS

This planning application has been advertised by means of a site notice erected by the case officer, 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 address was written to:
Tiverton High School Bolham Road Tiverton Devon EX16 6SQ

One letter of objection has been received from Tiverton High School who raise concerns in relation to:

- Loss of educational facilities
- Increased traffic
- Safeguarding risks and comments regarding potential disaster recovery plan

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

1. Policy, procedure and principle of development
2. Impact upon design and amenity
3. Land drainage/flood risk
4. Highway safety and parking
5. Other matters
6. Planning balance

1. Policy, procedure and principle of development

The application was called in from the majors list by Cllr Cruwys at the Planning Committee meeting on the 1st March 2023. Initially, the application was to change use to B1 (offices), however, this was changed during the process of this application but Cllr Cruwys has confirmed that he would still like the application to go before Committee.

The site is in the Tiverton settlement limit where Policy S10 of the Local Plan and T1 of the Neighbourhood Plan apply. The policies seeks to support appropriately scaled and sited residential and commercial development to allow Tiverton to continue its function as a market town within the district.

This proposal seeks to change the use of Block A within the Petroc education campus from Class D1 (now revoked) to Class B8 (storage and distribution) in order to diversify the campus. Initially, the application was to change use to offices but upon finding a prospective tenant, this has been updated. The relevant re-consultations and advertisements were carried out.

The comments regarding a loss of educational facility have been noted but there is no policy basis for the protection of such facilities. In any event, Petroc have provided a letter dated the 2nd August 2023 which outlines the reason for the proposal. The letter confirms that they are over spaced on their Tiverton campus with a number of rooms and buildings unused for educational reasons. It goes on to state that the change of use of some buildings to allow it to be rented or sold to other businesses will generate money for the college which can be reinvested in education. Given this and the fact there is no policy basis to prevent the change of use, the development is considered acceptable in principle. This is subject to design, highways and drainage which is assessed throughout this report.

2. Impact upon design and amenity

DM1 of the Local Plan and policies T4 and T5 of the neighbourhood plan seek to create visually attractive places and protect neighbourhood amenity. No physical changes are proposed to the building and as such there are no concerns in relation to visual or neighbourhood amenity.

3. Land drainage/flood risk

The site is in Flood Zone 2 which represents the second highest probability of sea and river flooding as per Environment Agency guidance and therefore a Flood Risk Assessment has been submitted on the application. The EA no longer comment on change of use applications but their standing advice and policies S9 of the Local Plan and T7 of the Neighbourhood Plan have been considered.

The Lead Local Flood Authority have been consulted and raise no objections to the development. Given the existing use of the building, the fact that there are no physical alterations or increases in hardstanding area proposed and taking into account the details set out within the Flood Risk Assessment, it is not considered reasonable to refuse the application on flood risk grounds.

4. Highway safety and parking

The site is accessed via the existing access point off of Bolham Road and the building is then reached by the internal campus roads. Visibility at the access is good and a transport assessment has been submitted with the application following the change of description to a proposed B8 use. The County Highway Authority are content with the traffic assessment and raise no objections. The traffic assessment has been secured by condition. As such, the local road network is protected.

In terms of parking, DM5 requires 1 parking space per 46.5sqm of floor space for B8 use. Whilst this level is not provided on the submitted plans, there is overflow parking across the campus. In addition, the site is easily reachable via sustainable transport methods as supported by the Tiverton Neighbourhood Plan. The Highway Authority have confirmed that they would not support a reason for refusal on this basis, given the existing use and accessibility of the site. Overall, the development is considered acceptable in terms of highways and parking impacts.

5. Other matters

In addition to the matters addressed above, the comments regarding safeguarding and a disaster recovery plans are noted. Whilst these are not considered to be material planning considerations in this instance and can be addressed outside of the planning process, the Petroc letter of the 2nd August 2023, sets out the working hours of the site and a professional monitoring company will be used for security and to safeguard the site.

6. Planning balance

Overall, the site is in a sustainable location within the Tiverton Settlement Limit but outside of the town centre area. It is easily accessible by sustainable transport methods and the Highway Authority raise no objections. The proposal is therefore acceptable in terms of car parking and road safety. Similarly, there are no physical alterations proposed so there are no significant concerns relating to flood risk, design or neighbourhood amenity. Whilst there are concerns about a loss of educational facility, there is no policy basis to prevent this either in national or local

policies. Similarly, the comments relating to safeguarding and a disaster recovery plan are not material planning considerations. It is therefore recommended that permission be granted.

REASON FOR APPROVAL

The proposed change of use of A Block (1040 sqm) from D1 (Non Residential Institutions) to B8 (storage or distribution) at Petroc, Bolham Road, Tiverton is considered acceptable as a matter of principle. There will be no alterations to the design of the building and therefore no harm to visual appearance or flood risk. The impact on highway safety and car parking is also considered acceptable. As such, the development complies with Policies S1, S9, S10, DM1, DM3 and DM5 of the Mid Devon Local Plan 2013-2033, Policies T1, T4, T5, T7 and T16 of the Tiverton Neighbourhood Plan 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. The area allocated for parking on the submitted plans, drawing no. 'P387 22 201B', shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.
4. The development shall be carried out in accordance with the Transport Assessment, as set out in the agent's email dated the 6th July 2023, and the Safeguarding and Safety Statement received on 10th August 2023.

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 accordance with Policy DM5 of the Mid Devon Local Plan 2013-2033 and in the interest of highway safety.
4. In the interests of highway safety.

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". 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.

Appendix A – Safeguarding and Security Statement

Change of use for A Block, Petroc Bolham Road, Tiverton EX16 6SH Safeguarding and Safety Statement

Purpose

Petroc have submitted an application for a change of use of it's A Block building at Bolham Road, Tiverton from D1 to B#. The intention of this change request is to enable the college to maximise value from redundant buildings. Whilst our applications to study by young people in Tiverton have increased on the previous year for the first time in several years, we remain significantly over spaced in Tiverton with various areas mothballed as they are surplus to our current needs.

There has been an existing crèche on the Mid Devon Campus for several years and this has been recently approved under application 23/00074/FULL to regularise the new class use for Crèche/Nursery. This application was not subject to a safeguarding statement but more importantly Petroc have their own safeguarding policies in place at the campus to comply including the segregation of car parking provision, staffing levels etc.

Furthermore, at the North Devon campus there have been a number of planning applications over the last 5 years which have introduced external users to the campus during normal work hours and evenings. These include external office space and the COTIE building (Innovation Launchpad | Cotie | Devon) used for local businesses. Through the various planning approvals on this campus there have been no requested for any safeguarding statement; however full consideration from Petroc has been given to their own safeguarding procedures to allow these uses to safely continue on site.

Visitor Volumes

It is the intention of the college to lease the building to a self-storage operator which will operate on a 24 * 7 basis with staffing present during standard working hours (08:30 – 17:30 Monday to Friday and 08:30 – 14:00 on Saturdays). When the building is unmanned a security company will monitor the building for security purposes. Previous experience of the operators of this business is that the busiest time for the building will be at weekends when the college and local high school are closed. Customer volumes during the day-time hours would be in the region of 9 – 12 visitors per day, with weekend visitor numbers at 18 – 21 per day.

Security and Safeguarding

The college has considered the potential risk from non-college visitors to the site and discussed such with the operator. The operator is committing to at least one staff member being onsite from 8.30am till 5.30pm Monday to Friday and from 8.30am till 2pm on a Saturday. The site will be further monitored for security purposes by a professional monitoring company when they are closed. This is in addition to Petroc's continued safeguarding and security presence and monitoring.

There is dedicated car parking provided for the A Block with the main roller shutter door access to the rear of A block providing appropriate segregation between this use and the continued education use on the Campus.

This change of use is therefore not considered to represent any greater risk than would currently exist from the college site being open and as the operator would provide a monitoring presence outside of normal operating hours the risk is anticipated to be less than at present, especially given that the building would otherwise be unoccupied due to lack of current educational requirement.

Application No. 23/00896/FULL

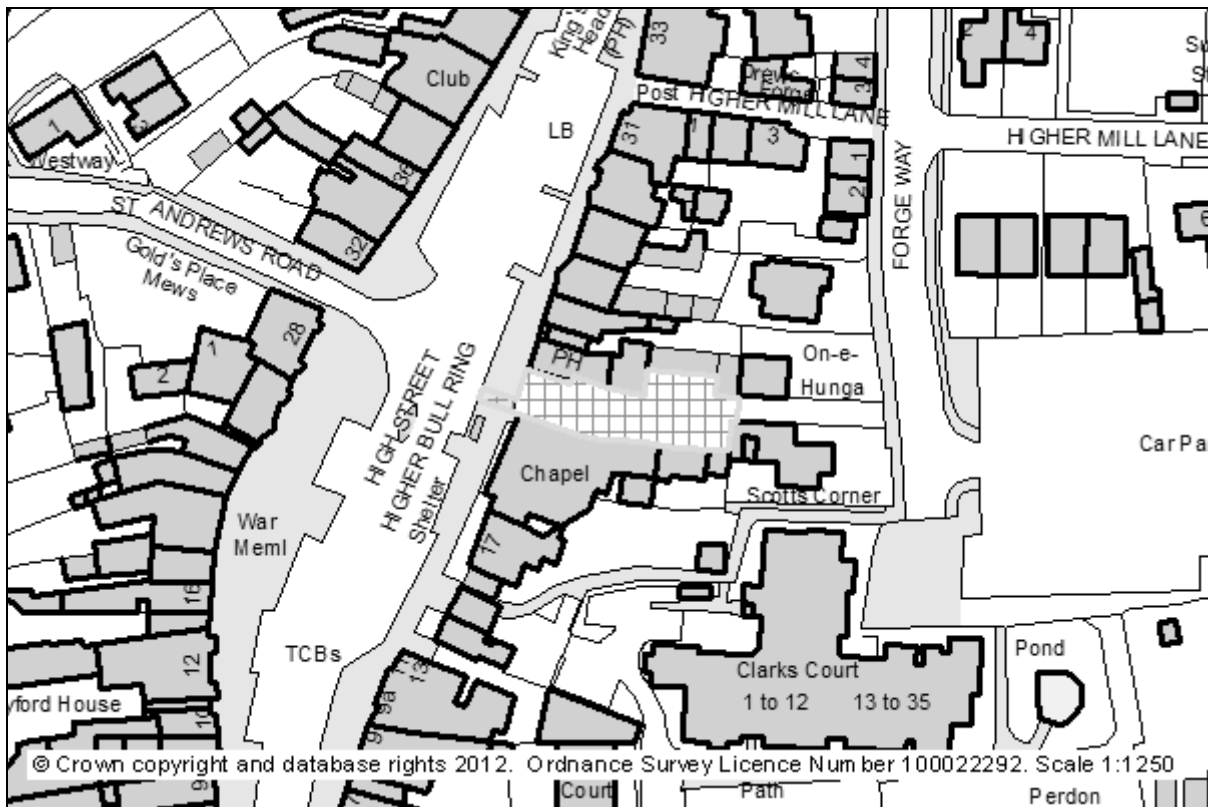
Grid Ref: 302113 : 107452

Applicant: Mr Stuart Pring

Location: 19 High Street
Cullompton
Devon
EX15 1AB

Proposal: Redevelopment of site for the erection of a Chapel of Rest and Funeral Parlour
(Use Class E)

Date Valid: 5th June 2023



APPLICATION NO: 23/00896/FULL

MEMBER CALL-IN

The application was called in by Cllr James Buczkowski to consider the access to the site and in particular the safety of pedestrians.

RECOMMENDATION

Grant permission subject to conditions

PROPOSED DEVELOPMENT

The proposal is for the redevelopment of the former Harlequin Valet site in Cullompton town centre and conservation area for the erection of a chapel of rest and funeral parlour (Use Class E). The existing building collapsed some years ago, the remaining building was demolished, the site cleared, and the frontage to the site boarded up. The site is fully enclosed to the sides and rear by walls and buildings.

The proposal is to erect a building fronting onto High Street, the ground floor comprising a shopfront and access way, with first floor over. Within the yard to the rear, two single storey adjoining buildings would be erected, the remainder of the site being a yard to be used with the business.

APPLICANT'S SUPPORTING INFORMATION

Design and access statement
Heritage statement
Wildlife survey and bat emergence survey

RELEVANT PLANNING HISTORY

09/00710/FULL - PERMIT date 9th November 2009
Erection of extension and alterations to provide 1 retail unit and 5 flats, and erection of 1 single-storey dwelling to rear (revised scheme)
12/01534/FULL - PERMIT date 17th January 2013
Application to replace extant planning permission 09/00710/FULL (to extend time limit). Erection of extension and alterations to provide 1 retail unit and 5 flats, and erection of 1 single-storey dwelling to rear (revised scheme)
13/00763/FULL - PERMIT date 14th February 2014
Erection of 6 apartments and 1 single storey dwelling

DEVELOPMENT PLAN POLICIES

Mid Devon Local Plan 2013 – 2033

S1 Sustainable development priorities
S7 Town centres
S9 Environment
S11 Cullompton
DM1 High quality design

DM3 Transport and air quality
DM5 Parking
DM14 Town centre development
DM16 Fronts of shops and business premises
DM25 Development affecting heritage assets

Cullompton Neighbourhood Plan 2020 - 2033

Policy TC01 Designated and non-designated heritage assets
Policy TC02 Character of the built environment

National Planning Policy Framework

CONSULTATIONS

CULLOMPTON TOWN COUNCIL – 3 July 2023

RESOLVED that planning application is OBJECTED to:

Vehicular access, particularly long funereal vehicles;
Dropped kerb;
Vicinity of children in and out of the Baptist Church;
Proximity of the communication cabinets and the bus shelter.

It is recommended that DCC conduct a physical inspection of the site to assess the safety of vehicular access and egress.

HISTORIC ENVIRONMENT TEAM - 27 June 2023

The proposed development lies in an area of archaeological potential within the historic core of Cullompton, and to the rear of properties on High Street where there is the potential for the presence of archaeological and artefactual deposits associated with the historic settlement here. As such, groundworks for the construction of the proposed development have the potential to expose and destroy these heritage assets. The impact of development upon the archaeological resource here should be mitigated by a programme of archaeological work that should investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the proposed development.

The Historic Environment Team recommends that this application should be supported by the submission of a Written Scheme of Investigation (WSI) setting out a programme of archaeological work to be undertaken in mitigation for the loss of heritage assets with archaeological interest. The WSI should be based on national standards and guidance and be approved by the Historic Environment Team.

If a Written Scheme of Investigation is not submitted prior to determination the Historic Environment Team would advise, for the above reasons and in accordance with paragraph 205 of the National Planning Policy Framework (2021) and the supporting text in paragraph 5.3 of the Mid Devon Local Plan Part 3: Development Management Policy DM25 (2020), that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The

development shall be carried out at all times in accordance with the approved scheme as agreed in writing by the Local Planning Authority.

Reason: To ensure, in accordance with Policy DM25 of the Mid Devon Local Plan and paragraph 205 of the National Planning Policy Framework (2021), that an appropriate record is made of archaeological evidence that may be affected by the development.

This pre-commencement condition is required to ensure that the archaeological works are agreed and implemented prior to any disturbance of archaeological deposits by the commencement of preparatory and/or construction works.

In addition, the Historic Environment Team would advise that the following condition is applied to ensure that the required post-excavation works are undertaken and completed to an agreed timeframe:

The development shall not be brought into its intended use until (i) the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation and (ii) that the provision made for analysis, publication and dissemination of results, and archive deposition, has been confirmed in writing to, and approved by, the Local Planning Authority.

Reason: 'To comply with Paragraph 205 of the NPPF, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure that the information gathered becomes publicly accessible.

I would envisage a suitable programme of work as taking the form of a staged programme of archaeological works, commencing with the excavation of a series of evaluative trenches to determine the presence and significance of any heritage assets with archaeological interest that will be affected by the development. Based on the results of this initial stage of works the requirement and scope of any further archaeological mitigation can be determined and implemented either in advance of or during construction works. This archaeological mitigation work may take the form of full area excavation in advance of groundworks or the monitoring and recording of groundworks associated with the construction of the proposed development to allow for the identification, investigation and recording of any exposed archaeological or artefactual deposits. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report, and the finds and archive deposited in accordance with relevant national and local guidelines.

I will be happy to discuss this further with you, the applicant or their agent. The Historic Environment Team can also provide the applicant with advice of the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work. Provision of detailed advice to non-householder developers may incur a charge. For further information on the historic environment and planning, and our charging schedule please refer the applicant to: <https://new.devon.gov.uk/historicenvironment/development-management/>

HIGHWAY AUTHORITY – 20 June 2023

The site is accessed off the B3181 a primary 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 01/01/2017 and 31/12/2021 is none in the area of this existing access.

The existing access to this site already has a dropped kerb to allow vehicles to cross the pavement which shows vehicles have done this in the past. Although this is in a bus stop, and may

be blocked when a bus is present, the County Highway Authority do not see this as a highway safety issue.

Therefore the County Highway Authority has no objections to this application, and recommends the following condition:

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 inclusive, 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;
- (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; and
- (n) photographic evidence of the condition of adjacent public highway prior to commencement of any work.

PUBLIC HEALTH – 27 June 2023

We have considered the application and do not anticipate any environmental health concerns.

ECONOMIC DEVELOPMENT -13 June 2023

It is noted that this application relates to a (derelict) site that is located within the Cullompton Town Centre Boundary and Conservation Area but outside the Primary Shopping Area. Class E is use for commercial, business and service purposes.

Local Plan Policy DM14 - Town centre development states that:

The Council will promote the sustainable growth and regeneration of Tiverton, Cullompton and Crediton. Within defined town centres, development proposals for main town centre uses, community and residential development will be supported where they:

- a) Retain or enhance the town centre's historic character and appearance, vitality and viability;*

b) Sustain or enhance diverse town centre uses and customer choice, incorporating residential accommodation above ground floor level where possible; and

c) Are readily accessible by public transport, walking and cycling'.

Economic Development have no objection to this application.

CONSERVATION OFFICER – 3 August 2023

I am happy with the revised plans.

Previous response - 20 July 2023

The use, scale, and improvement of this location is supported. The design of the proposal could be improved upon, and there is concern about large vehicles manoeuvring at the rear of the property.

The site has been unused since around 2010 when the previous property appears to have suffered from a fire. The replacement of a sympathetically sized designed building would be an enhancement to the streetscene.

The site has had vehicular access for at least 150 years, as can be seen on the first OS map, and this matches with the existing dropped kerb to the highway. Continuing this would be historically appropriate.

The setting back of the frontage appears awkward, and this would be better brought forward. While it is understood that this has been designed to ensure a measure of privacy for customers, the proposed floor plan shows that the privacy would actually be given to a staircase. Moving the building forward to meet the established building line would improve the appearance while not compromising the privacy of customers, as the reception is set back into the unit with the staircase between it and the front elevation.

The elevated porch over the clock appears to be too grand and ostentatious for the simple and low building. The buildings either side are simple and quiet, with nothing breaking their eaves line. A hanging clock might be more appropriate, alternatively one just set into the front elevation between the windows. As proposed, this element is not supported.

Conclusion: The proposal is acceptable within the historic setting, but the front elevation design needs to be amended. The building should be brought forward to meet the historic building line, and the clock given less prominence.

Suggested conditions: Materials; window and shopfront detail.

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:

Noahs Ark Playgroup Cullompton Baptist Church High Street Cullompton Devon EX15 1AB
Cullompton Baptist Church High Street Cullompton Devon EX15 1AB
Manchester Building Society 32 High Street Cullompton Devon EX15 1AE
Paramount Personnel 28 High Street Cullompton Devon EX15 1AA

Market House Inn 21 - 23 High Street Cullompton Devon EX15 1AB
Scotts Corner Forge Way Cullompton Devon EX15 1GT

No representations were received at the time of writing this report.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

- 1. Principle of development**
- 2. Design and impact on the conservation area**
- 3. Access**
- 4. Other**

1. Principle of development

Policy S1 of the Mid Devon Local Plan 2013-2033 seeks the development of sustainable communities including supporting a flexibility of uses to respond to changing circumstances, ensuring the vitality of town centres, requiring good sustainable design that respects local character, heritage, surroundings and materials and creates safe and accessible environments, and conserving and enhancing the historic environment.

Policy S7 states that the vitality and viability of Cullompton town centre will be protected and enhanced so that economic regeneration and heritage conservation reinforce each other, through positive measures of enhancement and regeneration, promoting new town centre uses that are well designed and contribute to vitality and viability.

Policy S11 encourages management the town centre so that economic regeneration and heritage reinforce each other by promoting new shops other key town centre uses which are well designed and contribute to vitality and viability.

The proposal would regenerate a redundant site within the town centre with a suitable town centre use, contributing to the vitality and viability of the town centre. The principle of the proposed development is considered to be acceptable and in line with policies S1, S7 and S11 of the Mid Devon Local Plan 2013-2033.

2. Design and impact on the conservation area

Policy S9 of the Mid Devon Local Plan 2013-2033 requires high quality sustainable design which reinforces the character and distinctiveness of Mid Devon's historic built environment, preserves and enhances the historic environment. The policy seeks to protect heritage assets including conservation areas.

Policy DM1 requires designs of new development to be of high quality, based upon and demonstrating a clear understanding of the characteristics of the site, its wider context and the surrounding area, and making a positive contribution to local character including any heritage or biodiversity assets and the setting of heritage assets. Policy DM25 of the Mid Devon Local Plan seeks to protect heritage assets.

Policy DM16 states that proposals for the alteration, replacement or construction of fronts for shops or business premises must be well proportioned and suited to the character of the building, adjacent buildings and the surrounding street scene.

Policy TC01 of the Cullompton Neighbourhood Plan states that development proposals affecting heritage assets must comply with national policy and the development plan. Policy TC02 states that development should contribute positively to the character of the built environment, reinforcing local distinctiveness and a strong sense of place. Development proposals in the conservation area should demonstrate how they have taken the Cullompton Conservation Area Appraisal and Management Plan into account.

The proposed design is informed by the traditional built form within the town centre, with a traditional shop window to ground floor level and sash windows at first floor level. The frontage building extends over a passageway access under the first floor of the building leading into the yard to the rear. The roofline is pitched and at a lower level than the roofs of buildings to either side. Within the yard to the rear are two single storey mono-pitched roof buildings running to the rear of the main frontage building and facing onto the access into the yard. Materials are render to the walls over a brick plinth, with a slate roof for the frontage building, the single storey buildings to the rear having artificial tiles suitable for a low roof pitch. Solar panels would be installed on the rear elevation of the main roof and on the yard buildings.

Internally, the building will provide a reception area, family room, chapel of rest, workshop and associated meeting rooms and facilities.

Following comments from the conservation officer, the building has been brought forward to the original building line, frontage railings removed, and the clock incorporated into the front elevation rather than being inset within a gable.

The proposal is considered to be well designed to ensure that the frontage responds to its surroundings, improving the street scene at this point, and having a positive impact on the conservation area.

The site is in the town centre in an area of high archaeological potential. For this reason, Devon County Council has recommended conditions requiring a programme of archaeological investigation and recording, in order to mitigate any impacts on underground heritage assets.

The design is considered to comply with policies S9, DM1 and DM16 of the Mid Devon Local Plan 2013-2033, as well as the strategic policies S1, S7 and S11 set out in section 1 of this report, as far as they relate to design and heritage assets.

3. Access

Policy DM3 of the Mid Devon Local Plan 2013-2033 requires development to have safe access onto the highway network. Policy DM5 set parking standards for development.

Pedestrian access to the building would be via a door in the frontage building. Vehicular access from High Street would be via an existing dropped kerb, over the bus stop and pavement, and through a passageway between the new shop frontage and the adjoining building, and under the first floor of the new building. This access would lead to a yard to the rear within which vehicles are able to park and turn.

Concern has been raised by the Town Council with regard to the safety of pedestrians as the existing dropped kerb is located within a bus stop and in close proximity to the Baptist church, bus shelter, communications cabinets and seating. They are concerned about large funeral vehicles crossing the pavement at this point. Whilst the concerns are recognised, the

Highway Authority have not objected to the proposal as there is an existing dropped kerb and highways licenses have been granted in the past to cross the pavement. With the historic use of the access and dropped kerb in mind, the Highway Authority does not object to the reinstatement of the access.

Although the location of the access is not ideal, vehicle access is required for the business. In order to minimise the level of traffic using the access and with the safety of pedestrians in mind, your officers recommend that a condition is added limiting the use of the access to vehicles associated with the business occupying the site only, with no access to parking for visitors or the general public.

4. Other

Policy DM1 of the Mid Devon Local Plan requires that developments do not have an unacceptably adverse effect on the privacy and amenity of the proposed or neighbouring properties and uses.

The proposed building will replace a former building on the site and infill between two existing buildings, a pub and a church. The rear yard is enclosed by existing walls and buildings and the new single storey buildings proposed for the yard will be no higher than these walls. No concerns have been raised and it is not considered that the proposal would result in adverse impacts to existing uses.

During the construction period, it is recommended that the development proceeds in accordance with a Construction Management Plan to be submitted for approval.

Policy DM1 requires appropriate surface water drainage and connection of foul drainage to a mains sewer where available. Surface water drainage would be to a soakaway and foul drainage would discharge to the mains sewer, which is considered acceptable.

Policy S1 requires developments to minimise impacts on biodiversity. The submitted wildlife survey identified one potential bird nesting hole in one wall and mitigation in the form of works outside of the nesting season and the installation of a bird box was recommended. The survey identified a low potential for bat habitat and recommended an emergence survey. This survey was carried out and no bats were found, however, a precautionary approach in respect of bats was recommended during the construction period.

CONDITIONS

1. The development hereby permitted shall begin before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. No development shall begin until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP shall include:
 - (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 inclusive, 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;
- (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; and
- (n) photographic evidence of the condition of adjacent public highway prior to commencement of any work.

The development shall be carried out only in accordance with the approved CMP.

4. No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme as agreed in writing by the Local Planning Authority.
5. The development shall not be brought into its intended use until (i) the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation and (ii) that the provision made for analysis, publication and dissemination of results, and archive deposition, has been confirmed in writing to, and approved by, the Local Planning Authority.
6. Before their use on the development, details/samples of all materials to be used on the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. Only such approved materials shall be used.
7. Prior to the installation of the ground floor frontage, details of the shopfront from the top of the fascia down to the pavement to a scale of 1:5, with a full elevation at 1:10, including the door and threshold, glazing bars, glazing, materials, colour/finish, signage, and profiles of architectural details, shall be submitted to and approved in writing by the Local Planning Authority. Only such approved details shall be installed and shall be so maintained.
8. The access shall be used only for vehicles associated with the business being run from the premises and not for visitors or public use.

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 minimise construction impacts on neighbouring uses, the road network and the public. This pre-commencement condition is required to ensure that all impacts can be mitigated adequately during the construction period.
4. To ensure that an appropriate record is made of archaeological evidence that may be affected by the development in accordance with Policy DM25 of the Mid Devon Local Plan 2013-2033 and paragraph 205 of the National Planning Policy Framework. This pre-commencement condition is required to ensure that the archaeological works are agreed and implemented prior to any disturbance of archaeological deposits by the commencement of preparatory and/or construction works.
5. To comply with Paragraph 205 of the National Planning Policy Framework, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure that the information gathered becomes publicly accessible.
6. To ensure materials are appropriate for use within the conservation area in accordance with Policy DM25 of the Mid Devon Local Plan 2013-2033.
7. To ensure materials and detailing are appropriate for use within the conservation area in accordance with Policy DM25 of the Mid Devon Local Plan 2013-2033.
8. To minimise the numbers of vehicles having to cross the bus stop and pavement in this location for the safety of pedestrians, in accordance with Policy DM3 of the Mid Devon Local Plan 2013-2033.

REASON FOR APPROVAL OF PERMISSION

The proposal is acceptable in that the development would reinstate a frontage to High Street and make use of a redundant town centre site. The development is considered to be appropriately designed to enhance the conservation area and street scene. Solar panels on the rear roof slopes would provide renewable energy. Although the access to the rear yard would cross a bus stop and pavement, access is required for the business and there is an existing dropped kerb and records of previous vehicle access at this point and the Highway Authority do not object to the proposals. To minimise impacts on pedestrians, a condition is required restricting the use of the access to vehicles associated with the business. There are no unacceptable impacts on the privacy and amenity of neighbouring uses or protected species, and potential impacts on archaeology can be mitigated. The development is considered to comply with the relevant Policies: S1, S7, S9, S11, DM1, DM3, DM5, DM14, DM16 and DM25 of the Mid Devon Local Plan 2013-2033 and TC01 and TC02 of the Cullompton Neighbourhood Plan 2020-2033.

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.