

PLANNING COMMITTEE AGENDA - 11th May 2016

Applications of a non-delegated nature

- | <u>Item No.</u> | Description |
|-----------------|---|
| 1. | 16/00108/OUT - Outline for the erection of dwelling at Land at NGR 304865 115568, Corner of Brimstone Lane, Westleigh.
RECOMMENDATION
Refuse permission. |
| 2. | 16/00332/FULL - Formation of parking area and landscape planting bund at Land and Buildings at NGR 305188 112386 (Hitchcocks Business Park), Uffculme, Devon.
RECOMMENDATION
Grant permission subject to conditions. |
| 3. | 16/00392/FULL - Change of use of former day centre to single residential dwelling at Old Bartows, Bartows Causeway, Tiverton.
RECOMMENDATION
Subject to the provision of a Section 106 Agreement/Unilateral Undertaking and conditions grant permission. |
| 4. | 16/00499/HOUSE - Erection of a two storey side extension and single storey extension to the front at 23 Brewin Road, Tiverton, Devon.
RECOMMENDATION
Grant permission subject to conditions. |

Application No. 16/00108/OUT

Plans List No. 1

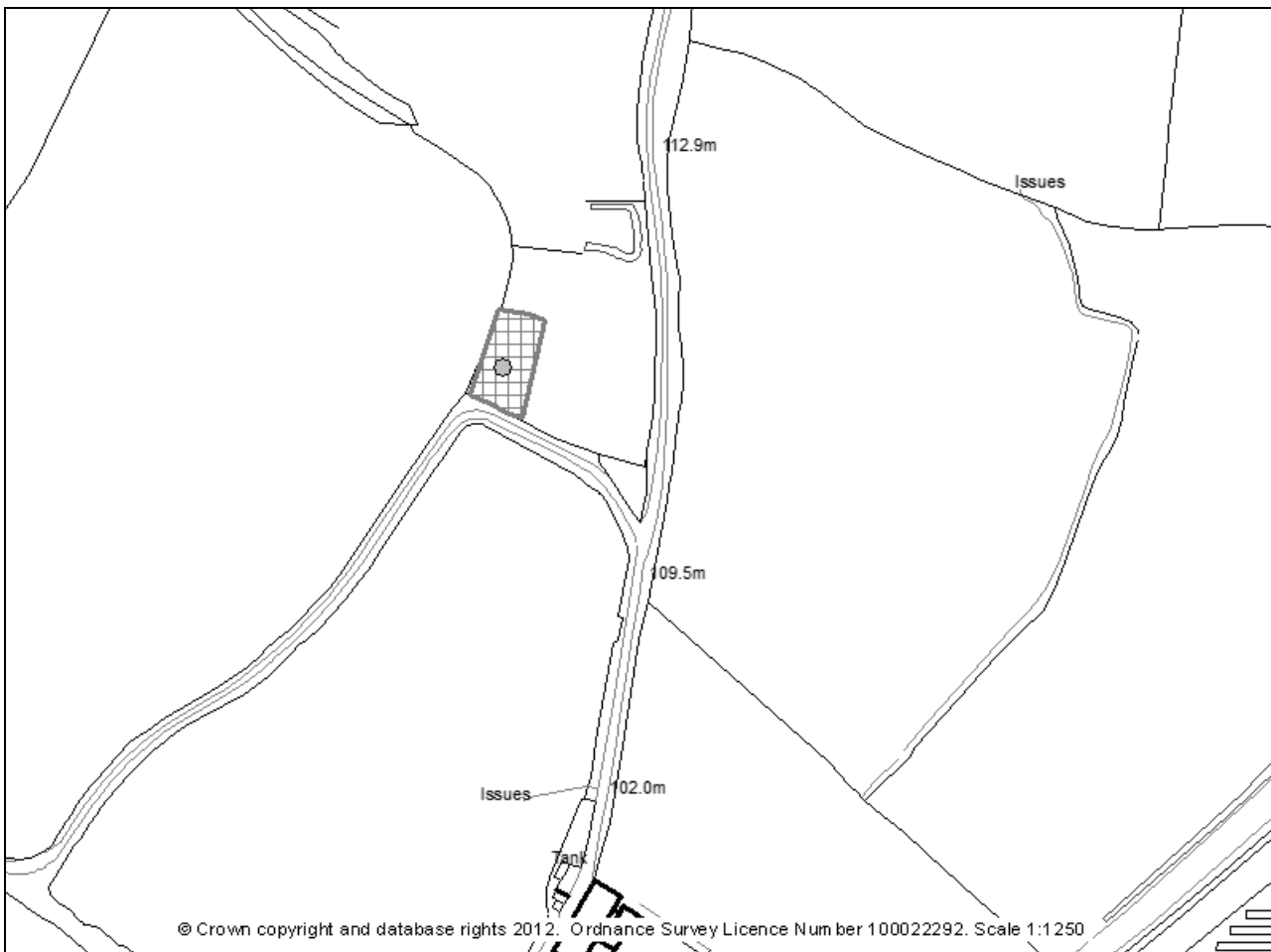
Grid Ref: 304856 : 115771

Applicant: Mr S Caudwell

Location: Land at NGR 304865
115568 Corner of
Brimstone Lane
Westleigh Devon

Proposal: Outline for the erection
of dwelling

Date Valid: 15th January 2016



Application No. 16/00108/OUT

RECOMMENDATION

Refuse permission.

CLLR CHRISTINE COLLIS HAS REQUESTED THAT THIS APPLICATION BE DETERMINED BY THE PLANNING COMMITTEE FOR THE FOLLOWING REASON:

TO CONSIDER WHETHER THE APPLICANT NEEDS TO LIVE ON SITE TO FARM THE 140 ACRES AND BE ON HAND FOR ANIMAL WELFARE

PROPOSED DEVELOPMENT

The proposal is an outline application for a rural worker's dwelling on land approximately 200 metres north of Ayshford Court. The application is for outline permission and seeks to establish the principle of the development only with all matters reserved. There are therefore no details of the dwelling itself, the access, the layout of the site or landscaping.

The agricultural holding extends to approximately 64 hectares and is being farmed as approximately half arable and half pasture. There is a grain store on land to the south of the site, on the opposite side of the lane, which was erected in August 2015 following prior approval being granted.

The site for the proposed dwelling was being cropped at the time of the officer's site visit and there were a few pheasant pens on the site. The site is adjacent to Brimstone Lane and is reasonably well screened from the road. The site lies approximately 2.3 km by road to the north east of Sampford Peverell.

The land was purchased at the end of 2012, with the year to mark 2014 being the first full year of trading for the farm.

APPLICANT'S SUPPORTING INFORMATION

Planning and design statement.

PLANNING HISTORY

14/00290/FULL Re-instatement of dwelling; including erection of extension and the re-use of existing structures as ancillary accommodation - REFUSE - 30.05.14

The application was to rebuild a derelict cottage which was refused as the building was not of permanent and substantial construction and the applicant had not demonstrated the essential need for a rural worker. The application did not meet policies COR18, DM10 or DM11

15/00475/PNAG Prior notification for the erection of a grain store - APPROVAL OF PRIOR APPROVAL - 03.06.15

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR18 - Countryside

Mid Devon Local Plan Part 3 (Development Management Policies)

DM2 - High quality design
DM8 - Parking
DM10 - Rural workers dwellings

CONSULTATIONS

HIGHWAY AUTHORITY - 20th January 2016 - Standing advice applies please see Devon County Council document <http://www.devon.gov.uk/highways-standingadvice.pdf>

ENVIRONMENTAL HEALTH - 21st January 2016 - Contaminated Land - No objections

Air Quality - No objections

Drainage - No objections

Noise & other nuisances - No objections

Housing Standards - No objections

Licensing - No comments

Private Water Supplies - INFORMATIVE NOTE:

No record is held as being a private supply. However, if a private water supply is to be used together with any other associated property, the supply would become a small private supply, unless a commercial element is involved when it would become a commercial supply. In either circumstance would be subject to the Private Water Supply Regulations 2009. As such a private water risk assessment and sampling regime will need to be undertaken by this Authority prior to any residential or commercial use. Please contact Public Health at Mid Devon District Council to discuss on completion of the proposal.

Health and Safety - No objections

BURLESCOMBE PARISH COUNCIL - 2nd February 2016
Support.

REPRESENTATIONS

2 letters of support summarised as follows:

- The applicant has invested time and money into improving the holding
- The applicant needs to live on site for the welfare of the livestock enterprise they intend to develop
- It is often necessary to work late and unsociable hours to run an effective business and ensure animal welfare
- A dwelling will have benefits for the farming business and help sustain rural jobs
- The NPPF states that new isolated homes should be avoided unless there are special circumstances such as the essential need for a rural worker

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The key issues in determination of this application are:

1. Whether there is an essential need for a rural worker to live on the holding in order to meet the needs of the holding
2. Access and parking
3. Siting
4. Section 106 etc

1. Whether there is an essential need for a rural worker to live on the holding in order to meet the needs of the holding

The site is in an isolated rural location where national and local planning policies restrict the provision of new residential dwellings unless there are special circumstances such as an essential need for an agricultural (or other rural) worker to be present on site at most times to meet the needs of the holding.

The National Planning Policy Framework states that isolated new homes in the countryside should be avoided except in special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside.

Policy DM10 of the Local Plan 3 Development Management Policies sets criteria for the consideration of applications for rural workers dwellings. DM10 states that applications for rural workers dwellings will be permitted where:

- a) It can be demonstrated that the nature and demands of an existing rural business are such that a full time worker has an essential need to be permanently resident at or near their place of work so they are available most times.
- b) The need cannot be met within a nearby settlement, or by existing housing at or near the site or through the conversion of a suitable redundant or disused rural building at the site.
- c) The size and scale of rural workers dwellings will be commensurate with the scale of the operation and designed to reflect the location and setting of the proposed site.
- d) The rural enterprise has been established for at least three years, is currently financially sound, and has a clear prospect of remaining so.

Policy DM10 goes on to state that where a rural business is not yet established a mobile home may be permitted for a temporary period, on the basis of criteria b) and c) above, and evidence of:

- (i) an essential need for one or more workers to be readily available at most times
- (ii) a firm intention and ability to develop the enterprise
- (iii) sound financial planning.

Permissions for rural workers dwellings will be subject to an occupancy condition.

a) Essential need for a full time worker to live permanently at or near their place of work

The applicant farms approximately 64 hectares of agricultural land in the immediate vicinity of the site, divided approximately half as arable land and half as pasture land.

The applicant states that sheep and cattle (beef cattle, store lambs and breeding ewes) are grazed on the farm and this requires constant monitoring: checking livestock and general farm maintenance such as checking water supplies, fencing, moving livestock and farm administration. The applicant states that a presence is required on site throughout the year, especially at lambing time and during calving.

During the officer's site visit, no animals were visible on the land, (although it is acknowledged they might have been out of sight on fields not visible from public vantage points). The applicant has stated that there have been 70 sheep on the land for the past two months. None of the animals are housed as they had been out-wintered. The applicant states that in the coming year a group of 33 store beef cattle will be brought onto the land, as well as dairy young stock (assumed for beef), although numbers and age were not identified. The applicant states that there are stock buildings located on the lane into the farm which will be utilised in the future for expanding operations but these do not currently appear to be used for livestock, but used for storing machinery. These buildings would not be within direct sight of the proposed dwelling.

The applicant also produces grain (wheat and barley) which is stored in the grain store before selling. Last year the applicant harvested around 90 tons of wheat and 110 tons of barley. The applicant states that a presence is required throughout the year to oversee the day to day management of the crops, harvest and machinery.

The applicant also states that young pheasant poults are raised for a local shoot with 100 at any one time. These are currently looked after by a neighbour. In undertaking their site visit, the case officer happened to meet the neighbour on site who stated that the birds were his and he had use of the land for the following 18 months.

A standard man day calculation was requested but not received. Instead a list of activities with approximate weekly timings supplied. From this list, it would appear that there was a need to check stock once a day. The remainder of the time is taken with ploughing, cultivating, harvesting, monitoring the grain store and keeping records during the summer months and fencing, hedging, ditching and maintenance to buildings and machinery during the winter months.

The animals are out in the fields and are not baby calves that require constant attention. Over recent months, there has only been sheep on the land. A caravan can be provided on site on a temporary basis to monitor the sheep during the lambing period under permitted development rights.

The applicant also states that a presence on site is needed to ensure the security of the grain store and machinery. Chemicals and fertiliser are not permitted to be stored on unsecure premises due to terrorism risks. Security systems are available to make premises secure and security alone does not provide sufficient justification for the erection of a new isolated dwelling in the countryside.

In the opinion of your officers, the activities on the farm could be undertaken during the normal working day and security systems provided to ensure the grain, machinery and fertilizers are kept secure. There is no need demonstrated for the applicant to be on hand at all times of the day and night to meet the needs of the holding. Paperwork can be done from any location. The applicant cites long travel times from his home in Butterleigh approx 10 miles away. Sampford Peverell is much closer and relocating there would reduce travel times considerably and make running the holding more efficient.

From the information provided, your officers do not consider that the applicant has demonstrated that there is an essential need for an agricultural worker to live permanently at or near their place of work.

b) The need cannot be met within a nearby settlement, or by existing housing at or near the site or through the conversion of a suitable redundant or disused rural building at the site

In the absence of a need to be on the site at most times of the day and night to meet the needs of the holding, your officers consider that the need to manage the holding can be met within Sampford Peverell, which is approximately 2.3 km by road.

The applicant previously applied for planning permission to rebuild a dilapidated cottage on the holding. However, the application was refused as the building was not of permanent and substantial construction suitable to be converted under policy DM11, nor had the applicant had not demonstrated the essential need for a rural worker required by policy DM10. The application was therefore contrary to the NPPF which restricts isolated development in the countryside, except where there are special circumstances.

Your officers have been informed that when the land was sold, the farmhouse was retained and was not available for purchase at the same time. A number of residential barn conversions have taken place but these do not appear to be available to the applicant.

There is a relatively modern farm building on the holding, however, the building is within a conservation area and therefore does not have the benefit of permitted development rights to convert it to a dwelling under Class Q of the General (Permitted Development) (England) Order 2015.

c) The size and scale of rural workers dwellings will be commensurate with the scale of the operation and designed to reflect the location and setting of the proposed site

The application is outline only so there are no details at this stage. These matters would be dealt with under a reserved matters application at a later date should the outline application be approved.

d) The rural enterprise has been established for at least three years, is currently financially sound, and has a clear prospect of remaining so

The applicant has submitted very basic summarised trading position figures over the 3 years to March 2015 which shows a small profit each year. This does not seem to include any figures for purchase or upkeep of machinery, buildings, etc.

Very basic projected figures are also included for the 4 years to March 2019. These figures include livestock from 2017 onwards. Again, there is no mention of purchase or upkeep of machinery, buildings, etc. These items were included in the original income and expenditure accounts submitted which showed a loss for 2014 and 2015 and a modest profit in 2016. There is therefore some doubt as to the profitability of the enterprise to date.

In addition, the case for the agricultural workers dwelling has been made on the basis of a need to look after livestock on the holding (although the list of activities on the site only refers to "checking livestock" once a day). However, the profitability of the enterprise shown in the application needs to reflect the same business as that on which an essential need is based. To date there have been no livestock on the site that have contributed to the profitability of the business and therefore the business going forward would be different from that which has taken place in the past years.

Where a new business is being established, it is usual for permission to be given for a mobile home for a temporary period of 3 years during which the applicant has an opportunity to demonstrate that the business is viable.

Although the applicant has submitted financial projections showing a good level of profitability up to 2019, including an increase in livestock turnover, there is no corresponding projection relating to the numbers and types of animals to be raised over these years. The crop sales figures seem to have increased considerably from those that had been achieved in 2014 and 2015 with no explanation of how these increased sums will be achieved. The percentages of arable and pasture fields have remained similar over the past 4 years.

There is also a requirement to demonstrate a firm intention and ability to develop the enterprise. Although investment has been made in improving the land and in erecting a grain store, there appears to be little investment in the livestock element of the business, which is the element of the business most likely to require a presence on site at most times.

In summary, your officers do not consider that the applicant has demonstrated compliance with the requirements of policy DM10 or the NPPF and the policy tests in respect of a new dwelling have not been met. The arable business that has been shown in the past 3 years' summary accounts does not require an on-site presence. The livestock element of the business is proposed for the future, however, there are no projections in terms of an increase in the numbers and/or types of animals and how that business would be built up over the future years. From the information supplied, the animals would be grazing the pasture and would require only minimal care that could be achieved by checking the animals during the normal working day.

In the event that the applicant could demonstrate an essential need based on future projections of livestock, this need should be met by a temporary dwelling such as a mobile home in order for the applicant to demonstrate the sustainability of the new business. To date, the tests for a temporary dwelling have not been met either.

2. Access and parking

The application is outline with all matters reserved. However, from the block plan provided it would appear that a safe access and adequate parking could be provided on site to accord with policies DM2 and DM8 of the Mid Devon Local Plan 3 (Development Management Policies).

3. Siting

The information submitted in support of the application states that the site has been chosen as it is part of an irregularly shaped field that is less easy to use due to the size of modern agricultural machinery. The site is on a gentle gradient, sloping down slightly towards the south and mature vegetation (hedges) provide boundary screening from Brimstone Lane and the road to the south leading to Westleigh. In landscape and visual impact terms, there is no objection to the proposed siting of the dwelling.

The proposed dwelling is located approximately 200m north of the canal which is a Conservation Area. It is separated from the canal by two fields and a road. These fields are bounded by mature hedges and vegetation. It is therefore not considered that the site of the proposed dwelling will be prominent from the canal Conservation Area, nor will it impact upon its setting or significance as a heritage asset.

3. Section 106 etc

The applicant has been asked to make a financial contribution of £1,205 towards public open space in the area and to sign a unilateral undertaking/Section 106 legal agreement. The payment has not been received and the undertaking not signed. Should Members be minded to approve the application, the applicant will need to enter into such agreement and make the relevant payment in accordance with policy AL/IN/3 of the Allocations and Infrastructure DPD.

In the event of outline permission being granted for a new dwelling on the holding, your officers consider that the dwelling should be tied to the holding by a Section 106 legal agreement to prevent the dwelling being sold off separately from the land. The dwelling would be located separately from the grain store - it would be on the opposite side of the lane. The dwelling would not form part of a farmyard complex that would only be likely to be occupied by an agricultural worker and the dwelling could very easily be separated from the rest of the land. The dwelling has been applied for on the basis that it is required to serve the holding but, in the opinion of your officers, no essential need has been demonstrated. The future business proposals include expanding the arable business into beef and sheep, however, any need to be on site to look after animals is projected only and would normally be served by way of a temporary dwelling whilst the business is established. For these reasons, should Members be minded to approve this application for a permanent dwelling, it is considered essential that the dwelling be tied to the holding.

Should the application be approved, an agricultural occupancy restriction would also need to be imposed, in accordance with policy DM10 of the Mid Devon Local Plan part 3 (Development Management Policies).

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

REASON FOR REFUSAL

1. The National Planning Policy Framework states that local planning authorities should avoid isolated new homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside. In the opinion of the Local Planning Authority, the applicant has not demonstrated that such special circumstances exist to justify an isolated new home in the countryside. The proposal is considered to be contrary to paragraph 55 of the National Planning Policy Framework and policy DM10 of the Mid Devon Local Plan 3 Development Management Policies in respect of rural workers dwellings.

Application No. 16/00332/FULL

Plans List No. 2

Grid Ref: 305188 : 112386

Applicant: Mr R Persey

Location: Land and Buildings at
NGR 305188 112386
(Hitchcocks Business
Park) Uffculme Devon

Proposal: Formation of parking
area and landscape
planting bund

Date Valid: 16th March 2016



Application No. 16/00332/FULL

RECOMMENDATION

Grant permission subject to conditions.

PROPOSED DEVELOPMENT

Proposed is the formation of parking area and landscape planting bund at Hitchcocks Business Park, Uffculme to serve an existing B1/B2/B8 building. The building and associated land and car parking area is intended to be used as the new Mid Devon Recycling Centre.

It is proposed to provide an additional 60 car parking spaces on an area of approximately 1,300 square metres adjacent to the existing building, the car park to be surfaced with compacted stone. A landscaping bund approved under the planning permission for the development 14/01310/MFUL will need to be relocated approximately 20 metres further to the east.

A lease of the building has been agreed with Mid Devon District Council, for use as a reception centre and for the sorting of recyclable waste from household collections. Recyclable waste from kerbside collections will be brought to the building, where it will be sorted and bundled before being taken away for processing elsewhere. The use of the building is allowed under the existing planning permission. This application therefore relates only to additional parking required in connection with this use.

The additional car parking area is required to accommodate the private vehicles of employees at the premises, as there is insufficient space available within the previously approved yard.

APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement
Site location plan, various plans and elevation plans.

PLANNING HISTORY

10/01689/MFUL Erection of building for manufacturing egg packaging materials and associated works (Revised scheme) - PERMIT - 06.01.11
12/00690/FULL Change of use of agricultural building to B8 storage use with associated parking (APPEAL ALLOWED 22.03.13) - REFUSE - 18.09.12
12/01630/FULL Change of use of agricultural building to B1 and B8 employment use, associated yard area and erection of a storage building - PERMIT - 07.05.13
13/01113/FULL Variation of Condition 2 of planning permission 12/01630/FULL (substitution of new plans) - PERMIT - 27.09.13
14/01310/MFUL Change of use of agricultural buildings for B1/B2/B8 commercial use, the demolition of agricultural buildings and the erection of replacement B1/B2/B8 commercial buildings, the use of The Forge and Unit 11 for B1/B2 and B8 commercial use, the provision of associated landscaping, yard areas and infrastructure - PERMIT - 12.05.15
14/01464/FULL Variation of condition 13 to permit general B1/B2/B8 use and removal of condition 14 (demolition of building if use ceases) of planning permission 10/01689/MFUL - PERMIT - 24.10.14
15/01142/FULL Erection of extension to existing commercial building (B1/B2/B8 use) - PERMIT - 04.09.15

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR18 - Countryside

Mid Devon Local Plan Part 3 (Development Management Policies)

DM2 - High quality design
DM8 - Parking
DM20 - Rural employment development

CONSULTATIONS

HALBERTON PARISH COUNCIL - 13th April 2016
No objections.

REPRESENTATIONS

None.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

- 1. Principle of development**
- 2. Access**
- 3. Drainage**
- 4. Visual Impact**

1. Principle of development

Policy COR18 of the Mid Devon Core Strategy (Local Plan Part 1) seeks to control development outside defined settlement boundaries but permits appropriately scaled employment development.

Policy DM20 of the Mid Devon Local Plan Part 3 considers rural employment development, and states that in countryside locations, planning permission will be granted for new build employment development or expansion of existing businesses, provided that the development is of an appropriate use and scale for its location.

The proposed site is considered to be the most appropriate location for the proposed car parking use to serve the building and is to improve facilities to serve an existing employment building.

2. Access

The proposed development will be served by the existing main site access and internal road infrastructure, with an additional vehicular access from the existing internal road into the car park. The Highway Authority has no comments to make. The proposal will increase parking provision on the site and is considered to be in accordance with policies DM2 and DM8 of the Mid Devon Local Plan Part 3 in respect of access and parking provision.

3. Drainage

The car park will have a permeable unbound granular stone surface in order to promote infiltration and to replicate greenfield conditions. This is to ensure the rate and volume runoff is not increased as a result of the development. The proposed soakaway is in the form of a cut off trench to the south of the car park, and will mitigate any residual runoff.

The trench will be stone filled and will intercept exceedance flows and promote infiltration. The proposal is considered to be in accordance with policy DM2 of the Mid Devon Local Plan Part 3 in this respect.

4. Visual Impact

The proposed car parking area is set well within the existing industrial site, and therefore cannot be seen from public view points. The site is well screened from all public views from the B3181 and other locations by the adjoining mature hedgerows and trees and other existing buildings. The originally proposed landscape buffer conditioned and approved under in accordance with permission 14/01310/MFUL will be relocated to the east of the building, to accommodate the parking area between the building and the buffer. The development is considered to be in accordance with policy DM2 of the Mid Devon Local Plan Part 3 in respect of its visual impact.

The supporting information refers to modest external lighting being included and 3 lighting posts are shown on the plans. However, no details of the lighting have been included and it is recommended that this is conditioned for approval.

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 relocated landscaping bund indicated on the approved plans shall be provided within 9 months of the substantial completion of the development hereby approved, the specification of which shall be in accordance with the landscaping boundary detail by Greenslade Taylor Hunt dated 25th September 2014, approved under planning permission 14/1310/MFUL, but relocated to the position shown on approved drawing number 1871/046 Rev C submitted with this application. Once provided, the landscaping bund shall be retained and maintained in accordance with the approved details, and any trees or plants which, within a period of 5 years from substantial 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.
4. No lighting shall be installed within the application site unless details have been previously submitted to and approved in writing by the Local Planning Authority. Lighting shall be erected in accordance with the 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 development makes a positive contribution to the visual amenities of the area in accordance with policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).
4. To protect the rural character of the area in accordance with policy COR18 of the Mid Devon Local Plan part 3 (Development Management Policies).

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The proposal is considered to be acceptable in that it would provide additional car parking associated with an existing building to be used as a centre for sorting of recyclable waste. The development is appropriate in scale and character with the existing building and can be achieved without causing material harm to the visual character of the countryside, the safety of the highway network, the amenity of local residents, the environment, or other interests of acknowledged importance to planning. The proposal is considered to accord with relevant policies: COR18 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2, DM8 and DM20 of the Mid Devon Local Plan Part 3 (Development Management Policies).

Application No. 16/00392/FULL

Plans List No. 3

Grid Ref: 295613 : 113044

Applicant: Mr S Flaws

Location: Old Bartows Bartows
Causeway Tiverton
Devon

Proposal: Change of use of
former day centre to
single residential
dwelling

Date Valid: 17th March 2016



Application No. 16/00392/FULL

RECOMMENDATION

Subject to the provision of a Section 106 Agreement/Unilateral Undertaking and conditions grant permission.

PROPOSED DEVELOPMENT

This application seeks planning permission for the change of use of a former Devon County Council social day care centre to a single residential dwelling. This application does not propose any change to the external appearance of the building. The proposed floor plans indicate the new dwelling will have 4 bedrooms, a lounge, shower room, kitchen, utility, study, cloakroom and separate toilet facilities.

The existing building is within the Tiverton Conservation Area and is Grade II Listed. The applicant is aware that listed building consent is required for internal alterations to the building, however, at the time of writing this report Local Planning Authority have not received a listed building consent application. The plans provided with this application do not indicate any physical attentions to the building.

Members should be aware that although Old Bartows is a grade II listed building, it appears that the listing description does not reflect the building as present. Following investigation by Mid Devon District Council's conservation officer, it is likely that Old Bartows was listed in 2000, sometime after the initial survey of the building was carried out by Historic England. At some point between the buildings survey and the formal listing, it appears Devon County Council carried out extensive works to the building, including the near entire stripping out of the interior and its historic features. The historic features included fire places, joinery, two staircases, timber sash windows and other fabric. There is a clearly a significant anomaly between the list description and what exists on site. It is likely that the internal works to the building were carried out in the time between Historic England survey and listing the building and that no breach of planning control has been committed in this case. The applicant is aware of the listing and its inaccuracies.

APPLICANT'S SUPPORTING INFORMATION

Listing description
Site Location Plan
Elevations

PLANNING HISTORY

93/01849/FULL Change of use from dwelling to day centre for people with learning difficulties and provision of on-site parking - NOBJ - 05.01.94
95/00130/CAC Conservation Area Consent for the demolition of defective cob & timber frames external walls and their reinstatement with blockwork cavity walls and render (County Matter) - PERMIT - 16.03.95
95/01228/FULL Provision of new window in rear (west) elevation at first floor level - PERMIT -05.10.95
95/01308/CAC Conservation Area Consent for the formation of a new window opening in the rear (west) elevation, at first floor level. - PERMIT - 11.10.95
12/01171/CAT Notification of intention to fell 1 Pittosporum tree within the Conservation Area - NOBJ - 13.09.12
12/01351/CAT Notification of intention to fell and carry out works to various trees within a Conservation Area - NOBJ - 05.10.12

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR1 - Sustainable Communities
COR3 - Meeting Housing Needs
COR9 - Access
COR13 - Tiverton

Mid Devon Local Plan Part 3 (Development Management Policies)

DM2 - High quality design
DM8 - Parking
DM14 - Design of housing
DM15 - Dwelling sizes
DM27 - Development affecting heritage assets

CONSULTATIONS

HIGHWAY AUTHORITY - 22nd March 2016
standing advice applies
<http://www.devon.gov.uk/highways-standingadvice.pdf>

TIVERTON TOWN COUNCIL - 14th April 2016 - Support

ENVIRONMENTAL HEALTH - 30th March 2016
Contaminated Land - no objection to this proposal
Air Quality - no objection to this proposal
Environmental Permitting - N/A
Drainage - no objection to this proposal
Noise & other nuisances - no objection to this proposal
Housing Standards - no objection to this proposal
Licensing - No Comments
Food Hygiene - N/A
Private Water Supplies - Not applicable
Health and Safety I have no objections to this proposal.
Informative: There is a lack of information e.g. structural survey. There is a foreseeable risk of asbestos being present in these types of structure. A Refurbishment and Demolition Survey following HSG264 available at <http://www.hse.gov.uk/pUbns/priced/hsg264.pdf> should be carried out before work commences to identify precautions and legal requirements enforced by Health and Safety Executive.

REPRESENTATIONS

No letters of objection have been received.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main material considerations in respect of this proposal are:

- 1) Principle for development in this location**
- 2) Design and impact on the character and appearance of the surrounding area**
- 3) Impact on residential amenity**
- 4) Parking and access**
- 5) Heritage impacts**
- 6) Other**

1. The principle for development

This development is situated within Tiverton. COR13 of the Mid Devon Core Strategy (Local Plan Part 1) supports the principle for new residential within Tiverton, provided it is well connected to the town centre and public transport system, has walking and cycling opportunities, does not impact on flood risk, and protects the surrounding green setting provided by the surrounding hillsides and Tidcombe Fen.

This proposal is within flood zone one and utilises an existing disused building. The site has good links to the Town Centre and public transport, and will not impact on Tiverton's wider setting.

It is considered by the Local Planning Authority that this proposal has 'in principle' policy support. It is isolated in a residential area.

2. Design and impact on the character and appearance of the area

The proposal is for the re-use of an existing building to create a 4 bedroom detached house. As the proposal will not impact on the external appearance of the building, it is not considered to result in any adverse impacts to the character and appearance of the surrounding area, furthermore, the use of the existing disused building is likely to result in improved maintenance and upkeep of the building and garden, and it is considered by the Local Planning Authority the change of use may have a positive impact on the character and appearance of the area.

The existing building has a long and narrow footprint, and the internal layout of the building reflects this. As previously noted, the internal layout of the proposed dwelling includes 4 bedrooms, a lounge, shower room, kitchen, utility, study, cloakroom and separate toilet facilities. Policy DM15 of the Local Plan Part 3 (Development Management Policies) detailed minimum size requirements for new dwellings, however, this has recently been superseded by the DCLG, Technical housing standards - nationally described space standard. This proposal significantly exceeds the minimum gross internal floor space and storage area required by the national space standard, and is therefore in accordance with local and national policy.

The site benefits from a large garden area and tarmacked driveway to the front of the building. The garden area benefits from hedgerow and wall screening, and although the garden is situated to the front of the property it is set back from the highway and reasonably private. An adequate level of parking and private amenity space is considered to be provided and the garden provides a reasonable level of space (including an outbuilding), to accommodate bike and bin storage.

The existing window arrangement within the building is considered to provide adequate levels of sunlight and privacy to the internal building and the retention of a lift shows the dwelling to be adaptable to the changing need of occupiers.

Considering the above points, the Local Planning Authority consider the design and appearance of the proposal, including its impact on the character and appearance of the surrounding area, is in accordance with policies DM2, DM8, DM14 and DM15 of the Local Plan Part 3 (Development Management Policies).

3. Impact on residential amenity

Policy DM2 of the Local Plan Part 3 (Development Management Policies) requires that new dwellings do not have an unacceptably adverse impact on the privacy or amenity of the neighbouring properties and uses.

No objections have been received from the neighbouring dwellings. Upon the officer site visit it was noted that the proposal would not have any significantly adverse impacts on the neighbouring dwellings, this is due to the siting and orientation of the existing property and its windows, in relation to the neighbours. To ensure the privacy of the neighbouring properties is maintained, permitted development rights are proposed to be removed by condition for any new windows or the conversion of loft space.

As this proposal is for the re-use of an existing building, it is unlikely to create any additional impacts to the neighbouring dwellings in terms of overbearing impacts or a loss of light.

Taking into account the above points, the Local Planning Authority consider that the proposal is unlikely to result in any significant impacts to surrounding residential amenity in accordance with policy DM2 and DM14 of the Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.

4. Parking and access

The proposal is accessed from Bartows Causeway to the west. The existing site entrance has reasonable visibility, and the speed of vehicles travelling on Bartows Causeway is likely to be low. The application includes space for the parking of more than two vehicles. Policy DM8 of the Local Plan Part 3 (Development Management Policies) requires 2 parking spaces to be provided per dwelling.

The allocated parking for the proposed dwelling is considered to comply with policy DM8 of the Local Plan Part 3 (Development Management Policies). Devon County Council Highway Authority has referred the Local Planning Authority to their standing advice document. It is considered the existing visibility splay meets with the requirements for standing advice.

5. Heritage impacts

Policy DM27 of the Local Plan Part 3 (Development Management Policies) and Part 12 of the NPPF relate to development affecting heritage assets. The crux of these policies note that heritage assets and their settings are irreplaceable resources and therefore proposals should aim to conserve or enhance them. Where proposals are likely to cause harm to a heritage asset or its setting, the harm should be weighed against any public benefit.

In this case, the building's heritage significance has been significantly impacted by previous works, but it is believed that these works took place between the survey by Historic England and the listing of the property. Mid Devon District Council's Conservation Officer has visited the site, and raises no objection to the proposal. Bearing in mind this proposal does not impact on the buildings appearance, the Local Planning Authority does not consider the proposal causes harm to the listed building or the conservation area. Policy DM27 is satisfied.

6. Other considerations

Drainage:

The proposed dwelling will utilise the existing connection to the mains sewer.

Neighbouring trees:

The change of use of the building to a dwelling is not considered to impact on any trees, hedging or wildlife on the site.

Public Open Space:

A new dwelling is likely to increase the demand for public open space and play areas within the vicinity. Policy AL/IN/3 of the AIDPD requires the developer to pay a financial contribution towards the provision of public open space/play areas, where an appropriate level is not provided on site. The applicant has provided a payment of £1442. This payment will be used towards public open space/play area improvements at People's Park, Tiverton. The requirements of this policy have been satisfied.

There are no other materials considerations to weigh against the grant of planning permission, and approval subject to conditions is recommended.

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. Notwithstanding the provisions of Article 3 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development of the types referred to in Classes A, B, C, D, of Part 1, relating to the extension and alteration of the dwelling, extensions or alterations to its roof and the insertion of windows and/or roof lights, shall be undertaken within the dwelling's curtilage without the Local Planning Authority first granting planning permission.

REASONS FOR CONDITIONS

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. To safeguard the visual amenities of the area and amenities of neighbouring dwellings in accordance with policy DM2 and DM14 of the Local Plan Part 3 (Development Management Policies).

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The proposed change of use to a dwelling is considered to be an acceptable design and location in accordance with the policy requirements of COR2 and COR13 of the Mid Devon Core Strategy (Local Plan Part 1) and policies DM2 and DM14 Local Plan Part 3 (Development Management Policies). The dwelling provides accommodation in accordance with the size requirements of the nationally described space standard. The proposal has adequate parking in accordance with policy DM8 of the Local Plan Part 3 (Development Management Policies). There will be limited impacts on surrounding residential properties, and the proposal is therefore in accordance with policies DM2 in this regard. The proposal is considered to be in accordance with relevant planning policies and has been recommended for approval.

Application No. 16/00499/HOUSE

Plans List No. 4

Grid Ref: 295186 : 112323

Applicant: Mr M Lowman

Location: 23 Brewin Road
Tiverton Devon EX16
5DN

Proposal: Erection of a two
storey side extension
and single storey
extension to the front

Date Valid: 7th April 2016



Application No. 16/00499/HOUSE

RECOMMENDATION

Grant permission subject to conditions.

MEMBERS ARE ASKED TO NOTE THAT THIS IS A HOUSEHOLDER APPLICATION

PROPOSED DEVELOPMENT

The proposal is for a two storey side extension and a single storey extension to the front of 23 Brewin Road, Tiverton. The proposed extension will project 3.5 metres from the side elevation with a depth of 5.4 metres with an eaves height of 4.9 metres and ridge of 7.3 metres. The single storey front extension has a depth of 1.1 metres and width of 1.4 metres and an overall height of 3.3 metres. The extensions will have slate roofs, white UPVC windows and white painted render walls. The extension will provide a larger relocated living room, extended kitchen, downstairs cloak/bathroom on the ground floor, and two additional bedrooms on the first floor.

APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement
Householder Flood Risk Assessment

PLANNING HISTORY

16/00441/DET - Proposed extension - CLOSED

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR2 - Local Distinctiveness
COR13 - Tiverton

Mid Devon Local Plan Part 3 (Development Management Policies)

DM2 - High quality design
DM13 - Residential extensions and ancillary development

CONSULTATIONS

TIVERTON TOWN COUNCIL - 19th April 2016
Support

SOUTH WEST WATER - 28th April 2016 - With reference to the planning application at the above address, the applicant/agent is advised to contact South West Water if they are unable to comply with our requirements as detailed below.

Asset Protection

Please find enclosed a plan showing the approximate location of a public sewer in the vicinity. South West Water will need to know about any building work over or within 3 metres of a public sewer or lateral drain. We will discuss with you whether your proposals will be affected by the presence of our apparatus and the best way of dealing with any issues as you will need permission from South West Water to proceed.

The applicant/agent is advised to contact the Developer Services Planning to discuss the matter further.

Clean Potable Water

South West Water is able to provide clean potable water services from the existing public water main for the above proposal.

Foul Sewerage Services

South West Water advises a Planning Condition to emphasise that: Foul drainage from the Development (and no other drainage) shall be connected to the public foul or combined sewer.

Reason: To ensure the discharge of drainage from the Development shall not be prejudicial to the public sewerage system and ensure there are adequate public foul sewerage facilities to receive foul water flows, in order to safeguard the public and environment.

Surface Water Services

The statutory Water and Sewerage Undertaker supports the Planning Policy Guidance for Flood Risk & Coastal Change statement. To accompany its planning application, the applicant must demonstrate how its proposed development will have separate foul and surface water drainage systems and not be detrimental to existing infrastructure, the public and environment (and that any provisions for protecting infrastructure have been agreed with SWWL as service-provider). The applicant should demonstrate to your LPA that its prospective surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable (with evidence that the Run-off Destination Hierarchy has been addressed, and reasoning as to why any preferred disposal route is not reasonably practicable):

1. Discharge into the ground (infiltration); or where not reasonably practicable, Provide written evidence as to why Infiltration devices, including Soakaways, Swales, Infiltration Basins and Filter Drains do not meet the design standards as specified in either H3 Building Regulation standards for areas less than 100m². Soakaways serving larger areas must meet the design standard specified in BS EN 752-4 (para 3.36) or BRE Digest 365 Soakaway Design.
2. Discharge to a surface waterbody; or where not reasonably practicable, Provide written evidence for refusal of discharge consent from owner of water body (Environment Agency, Local Authority, Riparian Owner etc)
3. Discharge to a surface water sewer, highway drain, or another drainage system; or where not reasonably practicable, Provide written evidence for refusal of discharge to drainage system (Highway Authority, Environment Agency, Local Authority, Private ownership)
4. Discharge to a combined sewer.(Subject to Sewerage Undertaker carrying out capacity evaluation)
South West Water will carry out a hydraulic capacity review of the combined sewerage network before permission will be granted to discharge to the combined sewer.

Having reviewed the applicant's current information as to proposed surface water disposal for its development, please note that method proposed to discharge into the ground (infiltration) is acceptable and meets with the Run-off Destination Hierarchy. However, should this method be amended, SWWL will require clear evidence to demonstrate why the preferred methods listed within the Run-off Destination Hierarchy have been discounted by the applicant.

Your LPA will be mindful of Local Plan policy to limit the adverse (including cumulative) effect of proposed development such that sustainability is paramount and flooding risk is not increased elsewhere, together with Paragraphs 162 of the NPPF, and Paragraphs 109 and 120 of PPG (Conserving and enhancing the natural environment).

I trust this clarifies the water and drainage material planning considerations for your LPA, however if you have any questions or queries, please do not hesitate to contact me either via e-mail: developerservicesplanning@southwestwater.co.uk or direct line: 01392 444878.

Please quote reference number MPP270416 EX165DN in all communications and correspondence.

REPRESENTATIONS

None; again a verbal update if any are received will be provided at the meeting.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

1. **Whether the proposal respects the character, scale, setting and design of the existing dwelling**
 2. **Whether the proposal results in overdevelopment of the site**
 3. **Impact on the privacy and amenity of neighbouring properties**
 4. **Flood risk**
-
1. **Whether the proposal respects the character, scale, setting and design of the existing dwelling**

The principal policy against which the proposal is to be considered is DM13 'Residential extensions and ancillary development'. Criterion a) of the policy states that extensions will be permitted where they respect the character, scale, setting and design of the existing dwelling. The proposed extensions are to use materials to match the existing; using slate for the roof, white painted rendered walls and the white UPVC windows. The side extension projects beyond the gable end, extending the existing ridge line the full 3.5 metre width of proposed addition. The property is at the end of a terrace consisting of six dwellings. The front elevation of the whole terrace is punctuated by three gable ends (at the point where neighbouring properties join) which project beyond the main plane. Between each projecting gable end is a long linking section set back from the gable. The size of the proposed side extension will mirror the other linking sections within the terrace, and as a result is considered acceptable in terms of its scale, design and overall compatibility with the existing dwelling. The front extension is very modest in size, measuring only 1.4 metres by 1.1 metres. It will not project beyond the furthest extent of the front elevation, simply extending part of the front to be in line with the extent of the front gable end. It is considered that the proposal can be accommodated within the context of the existing dwelling without causing any harm. The proposal is considered to be policy compliant with criterion a) of DM13.

Policy DM2 also requires proposals to have a 'clear understanding of the site, its wider context and surrounding area' and also be an 'efficient and effective use of the site'. The design of the extension is considered to be in keeping with the existing terrace and compatible with the wider street scene. The proposal is therefore considered to be compliant with DM2.

2. **Whether the proposal results in overdevelopment of the site**

The proposed development will extend on to land which forms the garden of the property. The dwelling benefits from a large garden to rear, which wraps generously around the side and front of the property, the size being typical of local authority properties built within this era (believed to be 1940s). The extensions have a footprint of approximately 20.5 square metres, which is primarily to be situated on the garden to the side. A relatively sizeable front garden will remain, whilst the rear is unaffected and is very generous being in excess of 150 square metres. As such it is not considered that the proposal results in overdevelopment of the site. The proposal is considered to be compliant with policy DM13 criterion b).

3. **Impact on the privacy and amenity of neighbouring properties**

The north side the property adjoins 21 Brewin Road, the next in the terrace, whilst to the south a separate terrace begins with number 25. Neither extension projects beyond the furthest extent of the front or rear elevations, and given the main projection is to the south no impact is anticipated in regard to 21 Brewin Road to the north. The side extension will reduce the separation distance between 23 and 25 Brewin Road, which currently is approximately 12 metres.

No windows are proposed on the new gable end facing 25 Brewin Road, and therefore the proposal is not considered to impact on the privacy of the adjoining property despite the reduction in separation distance. The rear elevation of the property falls in line with the end of the garden of 25 Brewin Road and therefore the bedroom windows upstairs of the extension will not overlook the adjacent garden. Overall, the proposal is considered to be policy compliant with criterion c) of DM13 and criterion e) of DM2.

4. Flood risk

The proposal lies within Flood Zone 3, the area of highest probability of flood risk. As the proposal is an extension under 250 square metres, the applicants have provided a Householder Flood Risk Assessment to support the application. In accordance with the Environment Agency's (EA) standard guidance, the applicant has confirmed that finished floor levels will be set no lower than existing levels and the extensions will be constructed of robust masonry construction to withstand water damage. As such the EAs flood risk requirements are considered to be satisfied.

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.

REASONS FOR CONDITIONS

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The proposed development for the erection of a two storey side extension and single storey front extension is not considered to dominate the host dwelling and is considered to be supportable in policy terms. The proposal is considered to respect the character, scale, setting and design of the existing dwelling. The proposal is not considered to result in over development of the curtilage and it is not considered that there would be any significant adverse impacts on the living conditions of occupants of neighbouring properties. Overall, the proposal is considered to comply with the following policies: COR2 and COR13 of the Mid Devon Core Strategy (Local Plan Part 1), DM2 and DM13 of the Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.

Mrs Jenny Clifford
Head of Planning and Regeneration