

PLANNING COMMITTEE AGENDA - 7th September 2016

Applications of a non-delegated nature

- | <u>Item No.</u> | Description |
|-----------------|---|
| 1. | 16/00817/FULL - Construction of an all-weather riding arena at Land at NGR 311229 111913 (Hayden End), Blackborough, Devon.
RECOMMENDATION
Grant permission subject to conditions. |
| 2. | 16/01007/FULL - Variation of condition (7) of planning permission 00/01534/FULL to allow the holiday lodge to be used as a dwelling from September to April inclusive and remain as a holiday let at all other times at Gilberts Lodge, Morebath, Tiverton.
RECOMMENDATION
Grant permission subject to conditions. |
| 3. | 16/01090/FULL - Installation of 2 replacement windows with doors at Tiverton Library & Learning Centre, Phoenix House, Phoenix Lane.
RECOMMENDATION
Grant permission subject to conditions. |

Application No. 16/00817/FULL

Plans List No. 1

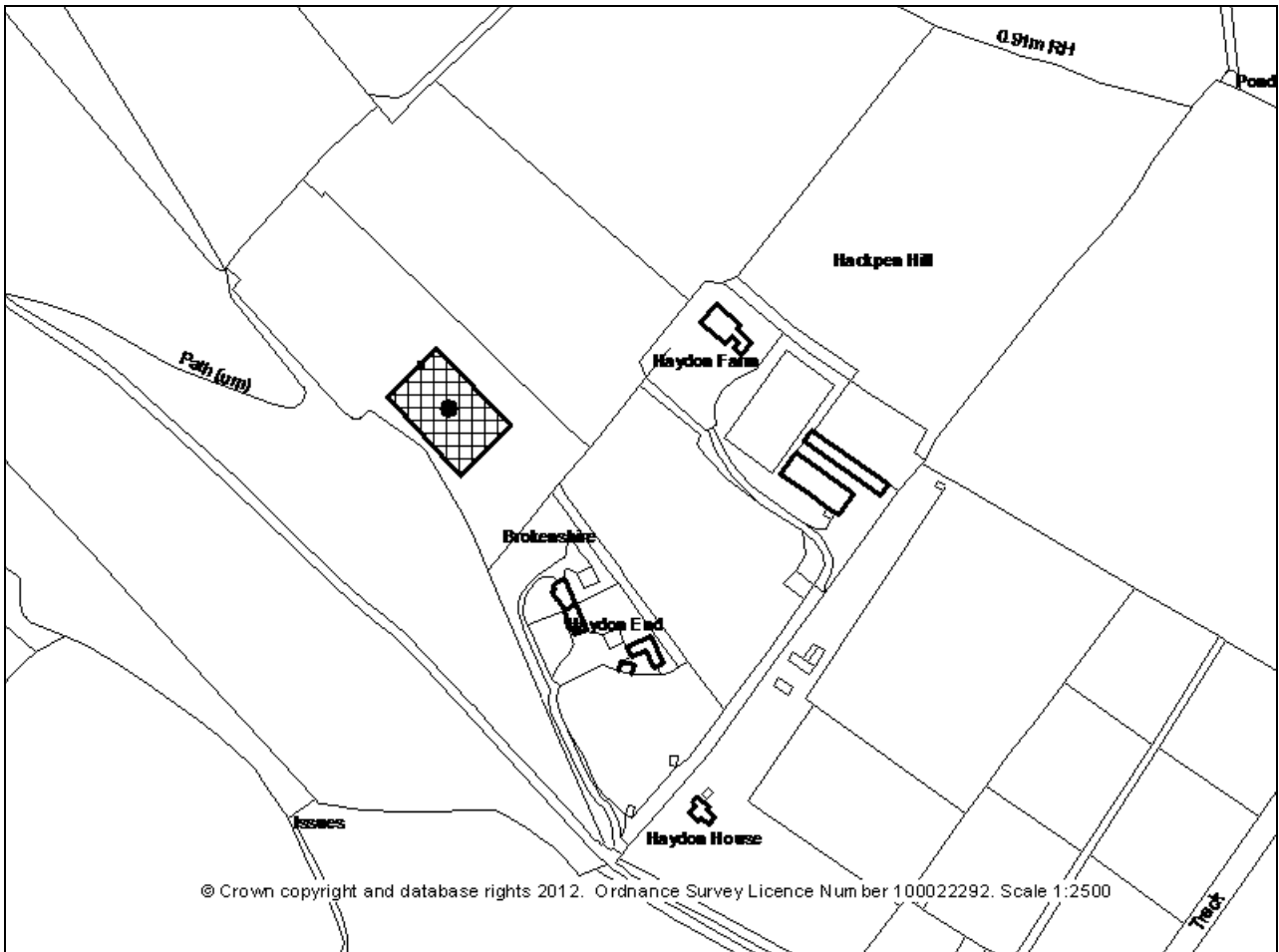
Grid Ref: 311230 : 111913

Applicant: Mrs F Bentley

Location: Land at NGR 311229
111913 (Hayden End)
Blackborough Devon

Proposal: Construction of an all-
weather riding arena

Date Valid: 23rd May 2016



Application No. 16/00817/FULL

RECOMMENDATION

Grant permission subject to conditions.

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

To assess the impacts of the site drainage on the amenity of the occupiers of the neighbouring property.

PROPOSED DEVELOPMENT

Proposed is the construction of an all-weather riding area at Land at NGR 311229 111913 (Hayden End) Blackborough. The proposed arena will measure 45 metres in length and 30 metres in width. The arena will have timber post and rail fenced boundary treatment at a height of 1.2 metres and will have a sand and fibre surface.

APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement
Site location plan, block plan, section plan, drainage plan, landscaping plan
Ground Percolation Test results
Supporting letters and statements
Photographs

PLANNING HISTORY

None.

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR2 - Local Distinctiveness
COR18 - Countryside

Mid Devon Local Plan Part 3 (Development Management Policies)

DM2 - High quality design
DM23 - Equestrian development
DM27 - Development affecting heritage assets
DM29 - Protected landscapes

CONSULTATIONS

UFFCULME PARISH COUNCIL - 9th June 2016

In principle the Council has no objections to this application, however we understand neighbouring properties to have concern in respect of location and the impact this will have on the privacy of the neighbouring property. The impact on reduced privacy should be addressed when considering the planning application.

HIGHWAY AUTHORITY - 25th May 2016 - Standing advice applies please see Devon County Council document <http://www.devon.gov.uk/highways-standingadvice.pdf>

HISTORIC ENVIRONMENT SERVICE - 13th June 2016

I refer to the above application. The proposed development lies in an area where iron ore extraction pits were noted in the late 18th century. This industry has its origins in the early Roman period and was active on the plateaux of the Blackdown Hills until the medieval period. The construction of the proposed all-weather riding arena involves cut and fill to create a level area for the arena's surface. As such, these groundworks have the potential to expose and destroy archaeological and artefactual deposits associated with the known iron extractive industry here.

For this reason and in accordance with paragraph 141 of the National Planning Policy Framework (2012) I would advise 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 applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the District Planning Authority.

Reason

'To ensure, in accordance with paragraph 141 of the National Planning Policy Framework (2012) and the supporting text in paragraph 5.3 of the Mid Devon Local Plan Part 3: Development Management Policy DM27 (2013) that an appropriate record is made of archaeological evidence that may be affected by the development.'

I would envisage a suitable programme of work as taking the form of the archaeological monitoring and recording of all groundworks associated with 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.

I will be happy to discuss this further with you, the applicant or their agent. We can 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.

REPRESENTATIONS

Six objections have been received in relation to the application, they are summarised as follows:

- An enormous all weather arena placed next to the public footpath would have a significant detrimental visual impact for the footpath users and impact on wildlife.
- Create an eyesore for footpath users and the neighbouring property
- Concern uses of footpath would spook horses in the arena, fear of liability for this.
- Loss of privacy for neighbouring property, overlooking as a result of the arena. Existing deciduous bank screening means there is an open view between the arena and the neighbouring properties private garden most of the year, resulting in a significant loss of privacy and a negative impact on quality of environment. Due to glazing on the property, those using the arena will see into the garden, living room, dining room and downstairs bedroom of the neighbouring property.
- The proposed arena will generate a greater use of the back access track (vehicular and animals) increasing disturbance.
- Unacceptable to plant Leyland cypress trees in the AONB to screen the arena, they would add to the eyesore from 2 Haydon End and from the public footpath adjacent to the field. This is not in keeping with the natural environment as they are not a native species and are known to cause problems between neighbours
- There are numerous arenas in the area none of which are as large or in close proximity to a neighbours house or garden.
- Object to a commercial sized area within close proximity of a neighbouring property.

Need for an arena of this size is questioned.

- Drainage concerns. The neighbouring property has had problems with excess water run off. Standing water in the corner of the field flowed onto the public footpath and onto the highway.
- Issue with the water table levels and saturation of the neighbouring garden area, prohibiting the drains, septic tank and soak-away for the 2 Haydon End from functioning and rendering the house unusable. A processing plant and higher level soakaway has been installed next to the bank adjacent to the proposed arena site. Object to an arena sited in close proximity due to rainwater dispersed from the arena soakaway potentially saturating the neighbouring garden and soakaway with excess water, particularly as the garden is at a lower level than the arena site, with the land sloping towards the garden.
- The arena could be relocated to the field south of the applicants house if a smaller arena was proposed but they state this isn't possible due to size, cost and visual impact in this area, this reasoning is invalid, this alternate location is preferable.
- Concern over potential damage to the drainage system of the neighbouring property
- Concern the arena may be covered in the future
- Applicants currently use an arena within 100 metres of their property
- Concern over use of floodlights
- Concern over commercial use such as equestrian clinics

Seven letters of support have been received in relation to this application, they are summarised as follows:

- Hackpen Hill is dangerous for walkers, cyclists, riders and traffic due to its daily use by large lorries and farming vehicles. The applicants property adjoins the hill at a sharp blind bend, safety concerns for applicants exercising their horses on the road and when leaving the property with a horse trailer.
- There are a number of arenas in the area that vary in size and position.
- The applicant is an amateur competitor and a larger arena is required to train her three large horses for dressage and showing. Without an arena on site the applicant is unable to enjoy riding to the full and train as much as she would like.
- It is appreciated the site is within the AONB but screening will ensure it is sympathetic to the environment.
- Currently the applicant uses the site of the proposed arena for training and has done so since moving to the property 12 years ago, but this can only be done during the summer when the ground is dry enough.
- The field is in a secluded position and is not accessible or visible from the road.
- The field is only visible from the footpath in a couple of places due to the height of the tall bank running alongside it.
- Assured that the arena will be for private use only, this can be controlled by planning condition.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

- 1. Principle of development**
- 2. Impact on the privacy and amenity of the neighbouring property**
- 3. Impact on the character and appearance Area of Outstanding Natural Beauty**
- 4. Drainage**

- 1. Principle of development**

Policy COR 2 of the Mid Devon Core Strategy (Local Plan Part 1) seeks to ensure high quality sustainable design which preserves and enhances the qualities of the natural landscape within Mid Devon, including protected landscape areas and the historic environment. In addition, Policy COR18 of the Mid Devon Core Strategy (Local Plan Part 1)) seeks to control development outside defined settlement boundaries but permits appropriately scaled rural uses.

More specifically, policy DM23 of the Local Plan Part 3 (Development Management Policies) provides policy support for equestrian facilities where they are will integrated with their surroundings, being of an appropriate location, scale, design and material so as not to harm the character and landscape of the rural area or the amenity of nearby residents. In addition, equestrian development must not result in an unacceptable increase in traffic on the local highway network.

It is not considered there will be an unacceptable increase in traffic on the local highway network, it is submitted by the applicant that at present she transports her horses on a regular basis to use other arenas for training, this will not be necessary as a result of the proposed development therefore it is likely there will be a decrease in traffic movements. The Highway Authority have made no objections to the proposal.

A number of letters of objection have been submitted in relation to the application concerning the size of the proposed arena; in particular that it is a commercial size and the need for this is questioned. The applicants state the proposed arena is for personal use only and will limit their need to exercise their horses on the dangerous lanes surrounding the site which are subject to heavy traffic use. A planning condition is recommended to restrict any commercial use of the arena and to ensure that it is used for private domestic equestrian purposes only, this is considered sufficient to address concerns that the arena will be used commercially. Additionally, although the size of the arena is relatively large, it is not uncommon to have an arena of this size, or indeed much larger for training, particularly for training large horses. The standard 20x40 metre arena is the smallest size of arena used for equestrian purposes, it is often desirable to have a larger arena and in this instance it is considered the proposed arena is of an appropriate scale for its purpose in accordance with this element of policy DM29.

The other policy tests contained in DM29 are considered in detail in the sections below.

2. Impact on the privacy of the neighbouring property

Policy DM29 requires that equestrian facilities are designed so as not to harm the amenity of nearby residents. A number of objections have been received in relation to this application concerning the loss of privacy to the neighbouring property, along with concerns about site drainage detrimentally impacting upon the neighbouring properties drainage system.

The objections to privacy and amenity have been raised by the occupiers and in relation to 2 Haydon End, a semi-detached property which is bounded to the north, east and south by the applicants land. These concerns are also supported by the Parish Council. At present, due to the semi-detached nature of the properties, 2 Haydon End is not entirely private, there is some overlooking between the properties, particularly at the front due to the low fence between the properties respective gardens, allowing views into each of the garden areas. As such, the proposal must be assessed in the context of the existing situation.

In addition, the applicant's state that for the 12 years they have occupied the site, they have always used the field to the north of 2 Haydon End to ride and school their horses. Whilst it is appreciated an arena in this location would increase the frequency of the use of this area, as it is currently only possible to ride in the field when ground conditions permit (summer months) it establishes that to an extent the neighbouring property is already overlooked from this viewpoint.

It is accepted that there is some impact on the neighbouring property as a result of the proposal; however, following negotiation changes have been made to the proposal in order to mitigate the impact on the neighbouring property. These changes include a revised location for the arena and additional screen planting. The new location of the arena is at its closest point approximately 30 metres from the boundary of the neighbouring property, and is approximately 60 metres from the property itself. The separation distance is considered to be reasonable and significantly reduces any overlooking impact.

In addition, on the boundary between the properties there is a planted bank, this provides a very good level of screening at present during the summer months, but due to the deciduous nature of the trees the level of screening decreases during the winter. In order to mitigate this it is proposed to plant the bank with mixed native species to infill the existing gaps. This planting will comprise of 9 Holly, 14 Beech and 8 Hawthorn, totalling 31 plants. This additional planting will provide increased visual screening between the properties, particularly during the winter months particularly as Holly is evergreen.

As a further screen, the south eastern boundary of the arena will be planted with a Beech hedge screen which will retain its leaves during the winter months, this will be a single row of 600 centres planted with 300mm sets. The screening proposed and the separation distance between the properties is considered to adequately mitigate any impact on the privacy of the occupiers of 2 Haydon End.

3. Site Drainage and impact on the Amenity of the Neighbouring Property

When considering the amenity of the neighbouring property, concern has been raised about the proposed drainage and its adequacy, in particular this is due to the problems experienced by the occupiers of 2 Haydon End, who state they have had issues with drainage and the functioning of their septic tank and soakaway, which last year rendered their house unusable. It is submitted that these issues were due to the high water table in this area, and as a result a new higher level soakaway has been installed in the garden area of number 2 next to the bank adjacent to the site of the arena. The objections raise concerns about increased water runoff as a result of the arena and the impact this could have on the new soakaway system serving number 2.

Policy COR2 requires a clear understanding of the characteristics of the site and the provision of appropriate site drainage. A percolation test has been submitted in conjunction with this application; the test was carried out in accordance with BRE Digest 365, and included excavating a trial pit of a sufficient size to represent a section of the designed soakaway. The pit was filled in quick succession and monitored for water infiltration. After an hour there was no drop in the water levels and so the test was abandoned. The results of the test show there is no effective infiltration into the sub-soil and therefore the ground is unsuitable for a conventional soakaway drainage system. However, the test demonstrated reasonable porosity in the top soil to a depth of 300mm.

The proposed drainage scheme has been amended as a result of the test results; it is no longer proposed to provide a series of pipes below the arena that would be directed to a soakaway. Instead, it is proposed that below the arena surface of sand a fibre there will be a needle punched non-woven geotextile membrane, the membrane will lay on top of a clean stone compacted sub base, and below the sub base will be a geotextile permeable membrane. In addition, the arena base will be laid to a shallow gradient of 1:200, falling south easterly. The design of the arena is such that the surface and base will be permeable; therefore there will be no increase in impermeable area that would increase surface water runoff. It is considered that the existing situation will not worsen as a result of the proposal, and it is submitted the arena will likely slow down surface water runoff, mitigating the existing situation. The slope of the arena base will allow any excess surface water to drain into the porous topsoil on the south east edge, the ground in this location falls in a south westerly direction away from the neighbouring property. Due to the change in the arenas position there is a large area for any excess surface water to drain into the porous topsoil, and will ultimately be directed away from the neighbouring property due to the topography and the bank boundary.

4. Impact on the character and appearance Area of Outstanding Natural Beauty

Policy DM23 of the Local Plan Part 3 (Development Management Policies) provides policy support for equestrian facilities where they are will integrated with their surroundings, being of an appropriate location, scale, design and material so as not to harm the character and landscape of the rural area. The site is located within the Blackdown Hills Area of Outstanding Natural Beauty (AONB), policy DM29 further sets out that development proposals in the AONB must demonstrate that the cultural heritage, character, appearance, setting and other special qualities of the landscape will be conserved or where possible enhanced.

The proposed arena will require some ground levelling works, however this location has been chosen due to its relatively flat nature, limiting the amount of works required. The ground will be levelled using a cut and fill method as demonstrated on the proposed section drawings. Devon County Council Archaeology have provided comments in relation to the application which state the site may have archaeological and artefactual deposits that the ground works associated with the arena could expose and destroy; as such, in accordance with their recommendation a condition to secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation is recommended, in accordance with policy DM27 and paragraph 141 of the National Planning Policy Framework.

The proposed arena is in a well screened location by virtue of the mature trees and hedgebank surrounding the site. The letters of objection raise concerns that the Uffculme Footpath 29 runs adjacent to the sites south west boundary on the other side of the hedgebank, and that the arena would negatively impact upon this. However due to the significant screening views from the footpath are limited.

The objection letters raise further concerns about flood lights and future covering of the arena, it is not appropriate or relevant to consider speculative future application to cover the arena in the determination of this application. In relation to floodlights, a condition is recommended to ensure no lighting is installed unless approved by the Local Planning Authority; in general, arena flood lighting is not considered appropriate in the AONB, in order to protect the landscape and dark skies of the AONB.

Furthermore, the objection letters suggest the arena could be relocated to the field to the south of the applicants dwelling, the reasoning for not siting the arena in this position includes that significant ground levelling works would be required on this site. In addition, this site is much more visible within the surrounding area, due to the proximity to the highway and the lack of screening. It is considered an arena in this alternative location would have a greater impact on the character and landscape of the rural area and the AONB.

Overall, it is not uncommon for equestrian arenas to be located in the countryside; due to the significant existing and proposed additional screening, along with the proposed conditions, it is not considered that the proposed arena will harm the character and landscape of this rural area, and is considered the character, setting and other special qualities of the AONB will be conserved.

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority. The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the District Planning Authority.
4. The arena hereby approved shall be used for private domestic equestrian purposes only, in association with the property currently known as Hayden End, Blackborough, EX15 2HX and shall not be sold, let or otherwise used for any commercial use. On becoming redundant for such purposes, the all-weather arena shall be removed, and all materials resulting from the removal shall be removed from the site within 3 years.
5. No external lighting shall be installed on the site unless details have been previously submitted to and approved in writing by the Local Planning Authority.
6. Within the first planting season following the date of this decision notice and by 31st March 2017, the hedge planting shown on the proposed landscaping plan numbered GH/Bentley/03 Rev B and received by the Local Planning Authority on the 16th of August 2016 shall be provided and be so retained thereafter. 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.

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, in accordance with paragraph 141 of the National Planning Policy Framework (2012) and the supporting text in paragraph 5.3 of the Mid Devon Local Plan Part 3: Development Management Policy DM27 (2013), that an appropriate record is made of archaeological evidence that may be affected by the development.
4. To restrict the traffic generation caused by this site in the open countryside.
5. In order to protect the landscape and dark sky qualities of the AONB in accordance with policy DM29 of the Mid Devon Local Plan Part 3 (Development Management Policies).
6. To ensure the development does not result in an unacceptably adverse impact on the privacy and amenity of the occupiers of the neighbouring property and to ensure the development makes a positive contribution to the rural character of the area in accordance with policies DM2 and DM22 of the Mid Devon Local Plan Part 3 (Development Management Policies).

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The proposed arena is considered to be acceptable in policy terms, subject to the proposed conditions. The arena is considered to be of an appropriate scale, design and materials for its use and is appropriately located so as not to harm the character and appearance of the rural area and the special qualities of the AONB. The proposed screening and drainage is considered to sufficiently protect the privacy and amenity of the occupiers of the neighbouring property number 2 Haydon End. The proposed development is for personal domestic equestrian use only and is not considered to result in an unacceptable increase in traffic on the local highway network. Overall, the proposal is considered to be in accordance with policies COR2 and COR18 of the Mid Devon Core Strategy (Local Plan Part 1), DM2, DM23, DM27 and DM29 of the Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.

Application No. 16/01007/FULL

Plans List No. 2

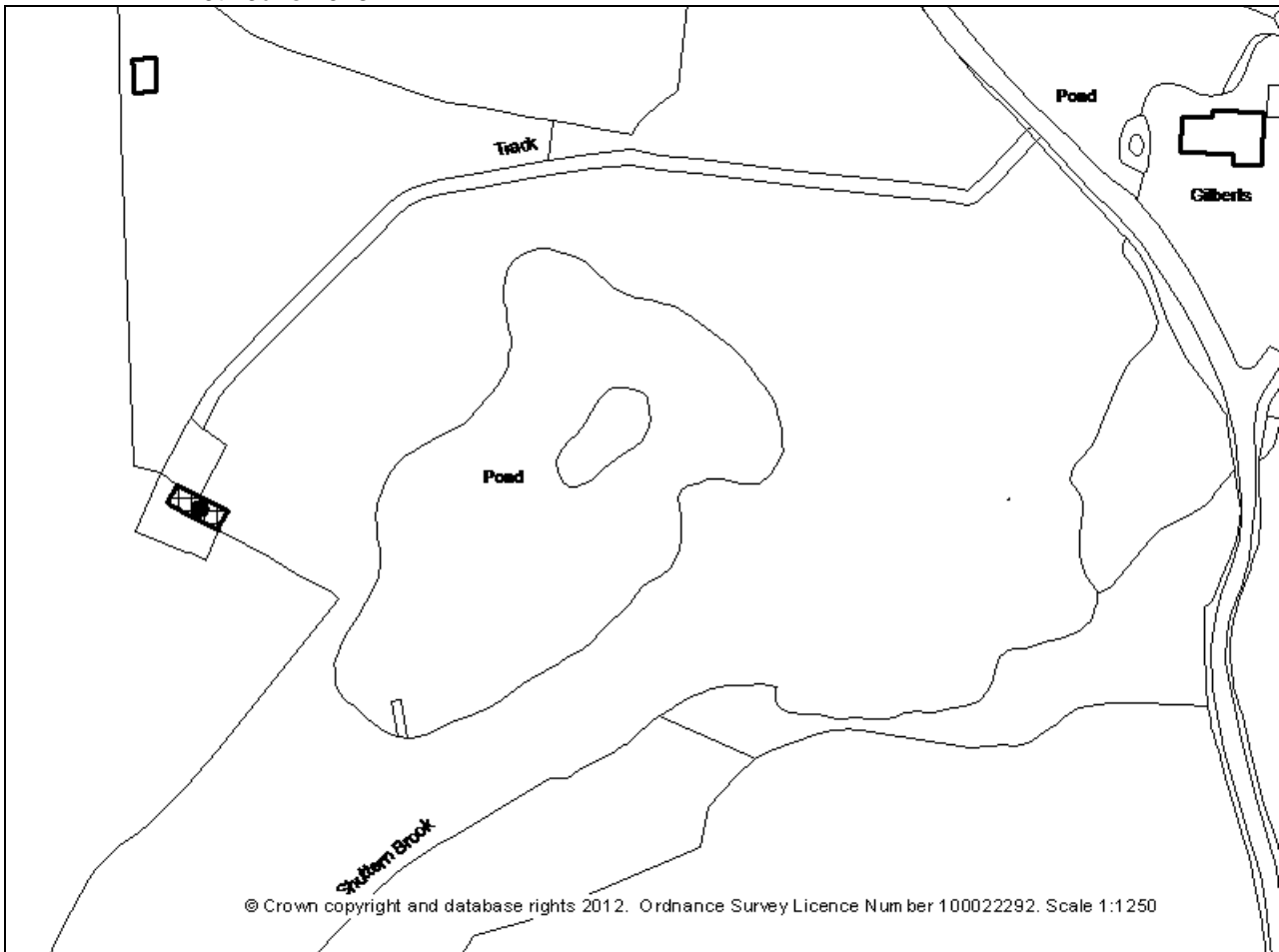
Grid Ref: 295002 : 125471

Applicant: Mr Moore

Location: Gilberts Lodge
Morebath Tiverton
Devon

Proposal: Variation of condition
(7) of planning
permission
00/01534/FULL to
allow the holiday lodge
to be used as a
dwelling from
September to April
inclusive and remain
as a holiday let at all
other times

Date Valid: 29th June 2016



Application No. 16/01007/FULL

RECOMMENDATION

Grant permission subject to conditions.

PROPOSED DEVELOPMENT

Variation of condition (7) of planning permission 00/01534/FULL to allow the holiday lodge to be used as a dwelling from September to April inclusive and remain as a holiday let at all other times

APPLICANT'S SUPPORTING INFORMATION

Lettings records

PLANNING HISTORY

90/01198/FULL Formation of one acre lake and conversion of redundant agricultural building to angling and wildlife lodge and construction of vehicular access - PERMIT - 05.03.91

95/01840/FULL Conversion of redundant agricultural building to dwelling and construction of vehicular access - REFUSE - 09.02.96

96/00252/FULL Renewal of p.p. 4/36/90/1198 - formation of one acre lake and conversion of redundant agricultural building to angling and wildlife lodge and construction of vehicular access - PERMIT - 26.03.96

00/01534/FULL Renewal of planning permission reference number 4/36/96/252/R, for the formation of a one acre lake and conversion of redundant agricultural building to angling and wildlife lodge and construction of vehicular access - PERMIT - 07.12.00

03/05398/FULL Formation of vehicular access to serve proposed fishing lake and lodge (revised location) - PERMIT - 01.12.03

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR2 - Local Distinctiveness

COR18 - Countryside

Mid Devon Local Plan Part 3 (Development Management Policies)

DM2 - High quality design

DM8 - Parking

DM24 - Tourism and leisure development

CONSULTATIONS

HIGHWAY AUTHORITY - 14th July 2016 - Standing advice applies please see Devon County Council document <http://www.devon.gov.uk/highways-standingadvice.pdf>

The building already has an established access and has been in use. This application does not alter the access and whilst a residential dwelling for part of the year may increase the use of the access, it would not be so significant so as to result in a negative impact on highway safety.

REPRESENTATIONS

None.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The application is to amend the holiday occupancy condition attached to planning permission 00/01534/FULL. The building was formerly a barn which was converted into an angling and wildlife lodge holiday let following the 2000 planning permission.

The application seeks to amend the following occupancy restriction:

"The occupation of the converted building shall be restricted to bona fide holidaymakers for individual periods not exceeding four weeks in total in any period of twelve weeks, and shall not be used as a permanent dwelling".

The applicant wishes to retain the building as a holiday let during the summer months but have the flexibility to let the property on a short term residential let over the winter months when there is no demand for the holiday accommodation.

COR18 of the Mid Devon Core Strategy (Local Plan Part 1) seeks to restrict new dwellings in the countryside without justification, for example for a rural worker to live at or near his or her place of work, but permits tourism development. The National Planning Policy Framework similarly restricts new open market dwellings in the countryside without similar justification, although it allows residential barn conversions. Policy DM24 permits tourism accommodation in rural areas.

Whilst the conversion of the barn to residential may be policy compliant if it was redundant and there would be an enhancement to its setting, it has been operated as a holiday let since it was converted and therefore is not a building that would comply with policy DM11 of the Mid Devon Local Plan Part 3 (Development Management Policies). Your officers would therefore expect to see adequate justification for removal of the condition. This is expected to take the form of demonstrating that the holiday let is not viable and, if appropriate, also that the property has been marketed for sale for a period of approximately 18 months. This period of time is in line with similar periods expected for marketing employment land under policy DM21 and DM10 of the Mid Devon Local Plan Part 3 (Development Management Policies) expected for the removal of an agricultural occupancy condition.

The applicant has provided marketing information from 2010 to 2014 to demonstrate that there have been few bookings during the winter months and your officers accept that the holiday let is therefore not viable as a business during this period. However, the holiday let is in a good location for tourist accommodation being close to Exmoor National Park and there appears to be no reason why the building cannot be retained as a holiday let during the summer months.

The applicant has not let the building as a holiday let since 2014 and since that time the building has been occupied by friends and family. The applicant has also taken the gap in letting to complete some redecoration and update various fittings. The applicant's intention is to undertake some limited holiday let use in the summers going forward.

The application proposes to amend the condition to reflect a holiday use in the summer months and a holiday let/short term residential let use during the winter months. Your officers consider this to be acceptable and it is recommended that the revised condition is also updated to reflect the current standard holiday let restriction wording.

CONDITIONS

1. The date of commencement of this development shall be taken as 29th June 2016, the date the application was registered by the Local Planning Authority.

2. a) During the period 1st May to 31st August in any year, the building shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence. The owners/operators shall maintain an up-to-date register of occupiers of the building, including their names, arrival and departure dates and their main home addresses and shall make this information available at all reasonable times to the Local Planning Authority.

b) During the period 1st September to 30th April in any year, occupation of the building shall be restricted to either holiday occupation as defined by a) above or to occupation under short term lets.
3. Notwithstanding the provisions of the Town and Country Planning (General Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting that Order with or without modification), no development of the types referred to in Classes A, B, C, D or E of Part 2 of Schedule 2 relating to alterations or additions to the building or its roof or to buildings and structures within the site, shall be undertaken without the Local Planning Authority first granting planning permission.

REASONS FOR CONDITIONS

1. In order to establish a legal commencement date for the development to enable the development to be monitored by the Local Planning Authority.
2. An isolated permanent dwelling in the countryside would be contrary to policy COR18 of the Mid Devon Core Strategy (Local Plan Part 1) and the National Planning Policy Framework which seek to direct development to the most sustainable locations, and the Local Planning Authority wishes to ensure that the accommodation is available for tourism during the summer months.
3. To protect the character and appearance of the original barn conversion and the visual amenities of the rural area in accordance with policies COR2 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The proposed development is acceptable in that the applicant has demonstrated that the building is only viable as a holiday let during the summer months. The use of the building for short term lets during the winter months would enable the building be utilised all year round and to remain available for tourist occupation during the summer months. The development is considered to be in accordance with the National Planning Policy Framework and DM24 of the Mid Devon Local Plan Part 3 (Development Management Policies).

Application No. 16/01090/FULL

Plans List No. 3

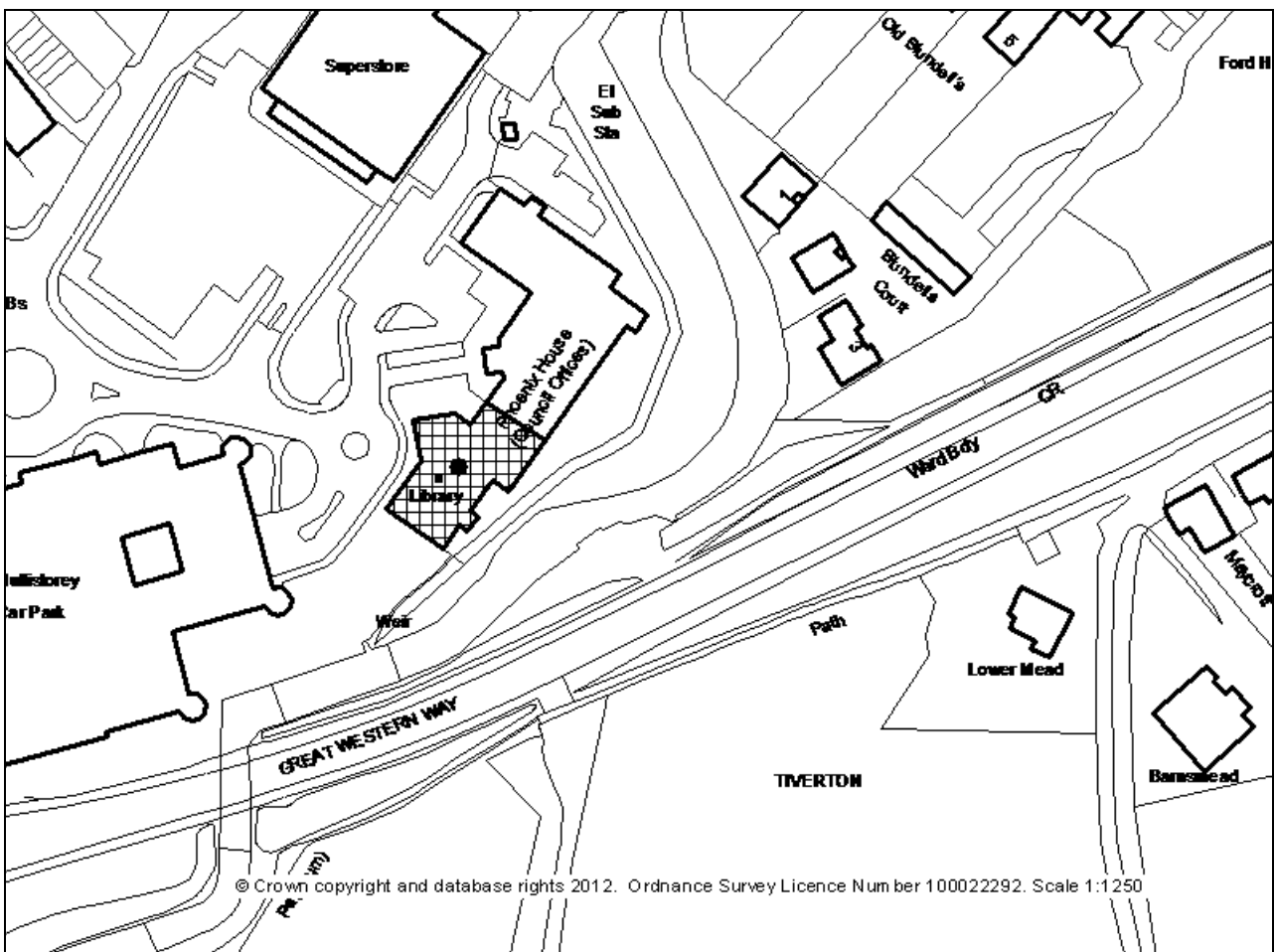
Grid Ref: 295668 : 112378

Applicant: Mr A Busby, Mid
Devon District Council

Location: Tiverton Library &
Learning Centre
Phoenix House
Phoenix Lane Tiverton

Proposal: Installation of 2
replacement windows
with doors

Date Valid: 18th July 2016



Application No. 16/01090/FULL

RECOMMENDATION

Grant permission subject to conditions.

PROPOSED DEVELOPMENT

This application seeks planning permission for the replacement of two existing windows with doors within the Library at Phoenix House, Tiverton, EX16 6PP.

The reason for the application is to provide weekend access to the Library (including a fire escape), without requiring the entire council building to be unlocked.

The proposed doors have been designed to be similar in appearance to the existing fenestration within Phoenix House, and will be constructed from grey aluminium, and glazed infill panels. A new level access and automated entry system will also be included with the front door to provide disabled access.

The proposed doors will measure approximately 1.5metres x 2.3metres and will utilise existing window openings within the building.

APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement
Flood Risk Assessment

PLANNING HISTORY

None.

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR2 - Local Distinctiveness
COR11 - Flooding

Mid Devon Local Plan Part 3 (Development Management Policies)

DM2 - High quality design
DM25 - Community facilities

CONSULTATIONS

HIGHWAY AUTHORITY - 8th August 2016 -
No Comments

TIVERTON TOWN COUNCIL - 2nd August 2016
Support.

ENVIRONMENTAL HEALTH - 8th August 2016
Contaminated Land - N/A
Air Quality - N/A
Environmental - N/A
Drainage - N/A
Noise and Other Nuisances - No Objections
Housing Standards - N/A

Licensing -No Comments
Food Hygiene - N/A
Private Water Supplier - N/A
Health and Safety - No Objections

REPRESENTATIONS

No letters of objection were received on the date of officer report (17/08/2016)

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The existing building is a well-used community facility within the centre of Tiverton. The building is prominent from the surrounding area, and its design is modern. The proposed fire exit will be well screened from any public vantage points; however, the proposed front entrance will be prominent to the users of Phoenix House.

The main material considerations in respect of this proposal are:

- 1) Impacts on the existing community facility**
- 2) Design and impact on the character and appearance of the surrounding area and existing building**
- 3) Flood risk**
- 4) Other**

1) Impacts on the existing community facility

Policy DM25 of the Local Plan Part 3 (Development Management Policies) specifically deals with the development and/or redevelopment of community facilities. Policy DM25 supports the redevelopment of existing community facilities where the development enables them to modernise, remain viable and continue to be retained for the benefit of the community.

In this case the proposal to replace two windows with two doors will allow the building to function more efficiently. In particular the proposal will enable the council offices to be locked at the weekends whilst still allowing the Library to remain open. Considering the above points, the Local Planning Authority deems the proposal to have policy support from DM25 of the Local Plan Part 3 (Community Facilities).

2) Design and impact on the character and appearance of the area and existing building

Policy COR2 of the Mid Devon Core Strategy (Local Plan Part 1) and policy DM2 of the Local Plan Part 3 (Development Management Policies) require new development to be of high quality design to ensure that visually attractive places are produced and conserved.

The proposed doors are not dissimilar to the windows they are replacing, and are considered to retain the high quality design/ attractiveness of the existing building. It is anticipated that directional signage will be required for the new entrance to avoid confusion over which entrance to use. No information has been provided to show this. A condition is recommended requiring details of any directional signage to be submitted for approval by the local planning authority prior to the use of the new entrance; the reason for this is to avoid any inappropriate signage being used.

Taking into account the above points, the Local Planning Authority consider that the proposal is in accordance with policy DM2 of the Local Plan Part 3 (Development Management Policies), COR2 of the Mid Devon Core Strategy (Local Plan Part 1), and guidance in the National Planning Policy Framework.

3) Potential flood risk

The proposal to add two additional doorways into the existing building without changing the use or creating any additional floor space, is not considered to increase the risk of flooding to properties elsewhere or the risk to life or property. COR11 of the Mid Devon Core Strategy is considered to be satisfied.

There are no other material 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. Prior to the first public use of the new front doorway, labelled as 'point 1' on drawing no 7426-05 rev A, details of proposed directional signage shall be submitted to and approved in writing by the local planning authority. Once provided the directional signage shall be maintained and be so retained.

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 avoid the use of inappropriate signage in accordance with policy DM2 of the Local Plan Part 3 (Development Management Policies).

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The proposed doors are considered to be an acceptable design and will not compromise the functions of the existing community facility in accordance with the policy requirements of COR2 and COR18 of the Mid Devon Core Strategy (Local Plan Part 1), and DM2 and DM25 of the Local Plan Part 3 (Development Management Policies). The proposal is considered to be in accordance with relevant planning policies and has been recommended for approval.

Mrs Jenny Clifford
Head of Planning and Regeneration