

PLANNING COMMITTEE AGENDA - 9th August 2017

Applications of a non-delegated nature

<u>Item No.</u>	Description
01.	<p>17/00910/FULL - Erection of 5 dwellings and alterations to existing bungalow and erection of garage at 10 Mayfair, Tiverton, Devon.</p> <p>RECOMMENDATION</p> <p>Grant permission subject to conditions and the signing of a S106 agreement to secure.</p>
02.	<p>17/00948/FULL - Erection of an agricultural livestock building at Land and Buildings at NGR 276310 106188 (Middle Weeke Farm), Morchard Bishop, Devon.</p> <p>RECOMMENDATION</p> <p>Grant permission subject to conditions.</p>
03.	<p>17/01020/FULL - Temporary Change of Use for 1 year from A1 use (Retail) to A1 (Retail) and D2 (Assembly and Leisure) use at 7 Market Walk, Bampton Street, Tiverton.</p> <p>RECOMMENDATION</p> <p>Grant 1 year temporary permission</p>
04.	<p>17/01024/FULL - Temporary Change of use for 1 year from retail (Class A1) to Assembly & Leisure (Class D2) at 21 - 22 Market Walk, Bampton Street, Tiverton.</p> <p>RECOMMENDATION</p> <p>Grant 1 year temporary permission</p>

Application No. 17/00910/FULL

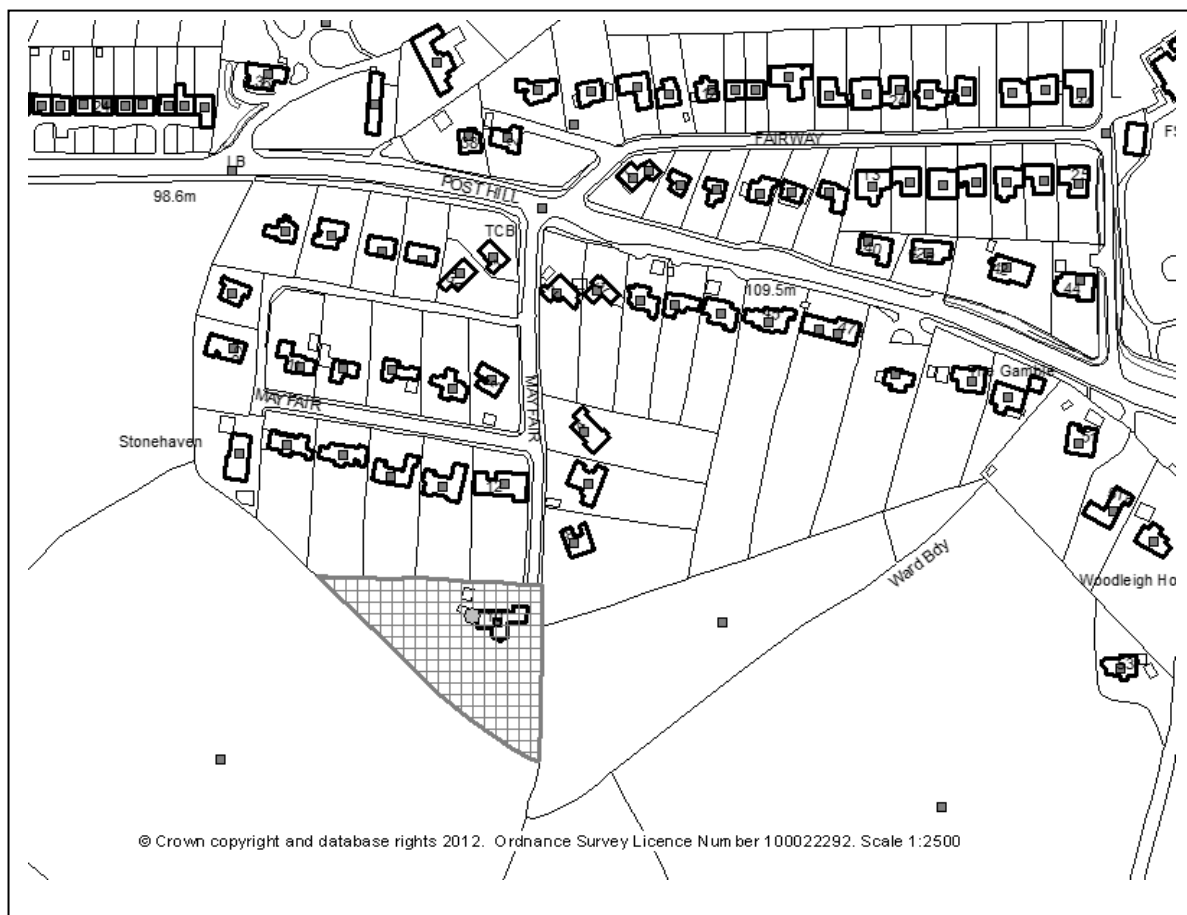
Grid Ref: 298625: 113083

Applicant: Mr O Leighton-Boyce

Location: 10 Mayfair
Tiverton
Devon
EX16 4NQ

Proposal: Erection of 5 dwellings and alterations to existing bungalow and erection of garage

Date Valid: 14th June 2017



Application No. 17/00910/FULL

RECOMMENDATION

Subject to the prior signing of a S106 agreement to secure a financial contribution of £7,210 towards off site public open space, grant planning permission subject to conditions.

COUNCILLOR COLIN SLADE HAS REQUESTED THAT THIS APPLICATION BE DETERMINED BY THE PLANNING COMMITTEE FOR THE FOLLOWING REASON:

The number of objection letters received on the application.

PROPOSED DEVELOPMENT

This full planning application is for the construction of five, two storey dwellings.

The site lies to the south of Post Hill - a principle route into Tiverton. The northern edge of this triangular site is bounded by 4 properties (No's 12, 14, 16 and 18) forming part of Mayfair. Each dwelling is located within a generous sized plot. No. 14 lies closest to the application boundary but maintains a distance of 38m from it. The remaining boundaries of the site, adjoin open countryside. This area of open countryside forms part of the Tiverton Eastern Urban Extension (EUE), the area known as 'Area B'. Area B lies within the settlement limit of Tiverton.

The private drive serving the application site gives access to two further properties (No's 6 and 8 Mayfair). The south eastern corner of the site is occupied by a number of mixed woodland trees. However, these do not form part of the application site.

The application now submitted is for the retention of the existing bungalow and inner hall of the annex and construction of 5 dwellings. The five proposed dwellings are located towards the south western boundary of the site. The private drive sweeps into the site terminating in a turning head on the northern boundary of the site. Access will be retained from the existing private drive and each dwelling will have at least 2 dedicated parking spaces.

APPLICANT'S SUPPORTING INFORMATION

Preliminary Ecological Appraisal
Covering letter and additional information with Amended Plan (relating to existing dwelling)
Design and Access Statement

PLANNING HISTORY

88/01893/FULL - PERMIT (September 1988) - Conversion of garage and store into granny annexe

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR1 - Sustainable Communities
COR2 - Local Distinctiveness
COR9 - Access
COR12 - Development Focus
COR13 - Tiverton

Mid Devon Allocations and Infrastructure Development Plan (Local Plan 2)

AL/DE/3 - Affordable Housing Site Target
AL/IN/3 - Public Open Space
AL/IN/5 - Education Provision

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 - Presumption in favour of sustainable development

DM2 - High quality design

DM3 - Sustainable design

DM8 - Parking

DM14 - Design of housing

CONSULTATIONS

ENVIRONMENTAL HEALTH: The proposed development will involve the demolition of existing premises or structures, which may contain hazardous liquid or solid materials (including asbestos). Should planning consent be forthcoming, a condition should be attached.

HIGHWAY AUTHORITY: The applicant has submitted an amended plan which remains illustrative only but is sufficient to demonstrate that the access is suitable to serve the 5 dwellings applied for. There will need to be minor amendments to improve alignment and tactile paving, furthermore the drainage details are yet to be submitted and approved all of which are conditional as a pre commencement condition for approval. Therefore the Highway Authority are happy to remove its holding refusal and recommend that should consent be granted should be subject to conditions.

REPRESENTATIONS

27 objections summarised as follows:

1. This appears a high density of development to be accessed off a narrow lane.
2. Access from the main highway is already difficult due to un-restricted parking on both sides of the road. An additional 16 car spaces represents a significant increase in traffic.
3. The height of the proposed dwellings does not represent the height of those neighbouring. It is not in keeping.
4. Property deeds (covenant) indicate that no new houses (or any permanent structure) can be built on the plots in Mayfair - to protect the quality of development, character and density of the neighbourhood. If the owner of No. 10 has requested the covenant to be lifted, the Mayfair residents have not been consulted.
5. The number of houses proposed is not in keeping with the neighbourhood and is overdevelopment. This proposal would set a precedent
6. The proposed layout and 'bunching' of properties to one side of the site is as a result of the possibility of an access route into Area B of the Tiverton EUE.
7. The site is on a prominent ridge when viewed from surrounding countryside and the canal. The principle of low rise, low density bungalow development has been established. Two storey development is not sensitive to the location. Two storey development may be more appropriate further down the hill via development on Area B but with the retention of a green buffer to existing properties.
8. A sewerage pumping station will be required because the plot slopes away from the main rise in Post Hill. This is not acceptable.
9. The additional dwellings would represent a 500% increase in traffic movement, noise and pollution along a private lane. This also raises safety concerns with limited visibility from private drives.
10. Where will surface water be directed?
11. The development of 5 dwellings creates a loss of privacy for No.s 12; 14; 16 & 18. The proposed properties will be overbearing and over shadow existing properties.
12. The proposal is premature to the adopted EUE Masterplan.
13. Access to these 5 properties should come from Area B
14. Mayfair has insufficient community amenities to accommodate these properties until Area A of the Tiverton EUE is developed.
15. Can it be confirmed that the proposal to put access through No. 10 for future (Area B) development has nothing to do with the sympathetic treatment the developer is receiving?
16. The private drive has insufficient width to allow two vehicles to pass. It will impede existing users to enter and exit their properties. It is not suitable for the extra traffic from 5 new dwellings or for construction vehicles.

17. The pre application enquiry identifying access to serve the future development of Area B across this site is alarming and in conflict with the Adopted Planning policy. The WYG report identifies 6 trees for removal. This will have a negative impact on wildlife.
18. Bungalows would be more in keeping.
19. Water runoff is a concern as the road way is above front gardens.
20. No. 8 bounds the private drive to No. 10. The deed title indicates that No. 8 has 'rights for all purposes' along the length of the drive. The proposal presents possible interference with No. 8 and associated legal rights.
21. This development will set a precedent for Area B of the Tiverton EUE - over development at the detriment of the environment.
22. The increase in traffic presents a danger at the Mayfair / Post Hill road junction.
23. The private drive would not be of sufficient size for vehicles associated with the emergency services.
24. The proposal does not comply with Policy DM1 - understanding the characteristics of the site and its wider context or the principles of the Adopted TIV EUE Masterplan.
25. Why is no bat survey provided?
26. Noting the pressure to deliver the Tiverton EUE, it is hoped that a compromise is not reached on this site that facilitates access into Area B over the interests of good sustainable planning.
27. The applicant intends to retain part of the building, initially proposed for demolition. How will the new access and footpath circumnavigate the retained building?
28. How can the Inner Hall of the Annexe be retained when the rest of the Annexe is to be demolished?

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The key issues in the determination of the application are:

- 1. Policy Relationship with Area B**
- 2. Highway safety**
- 3. Detailed design and layout.**
- 4. Amenity of neighbouring residents**
- 5. Social Infrastructure and services - sewage, water**
- 6. Ecology**

1. Relationship with Area B

It is acknowledged that this site adjoins Area B of the Tiverton EUE and that a period of public consultation has recently closed on Area B of the EUE in which the suitability of access through this site into Area B was considered. However, this is an application for 5 dwellings with vehicular access to serve them. Whilst the wider context of the EUE requires acknowledgement this application requires consideration on the basis by which it has been submitted - an application for 5 dwellings.

A number of comments have been received referencing Area B - that this proposal is premature to the Adopted Area B Masterplan; that the design and layout is a response to a future need for access into Area B. This site does not form part of the EUE. Whilst the wider context of the EUE is acknowledged, and that access into Area B through this site does not form part of adopted policy (including the Adopted Masterplan), this application requires assessment on the basis of the application submitted. A further comment received, seeks access to the 5 properties from Area B. However, as detailed above, the application requires assessment on the basis of the information provided. Area B does not form part of this application site. It lies within the settlement limit of Tiverton. It would be unreasonable to require access to come from Area B if the site can suitably accommodate access for an additional 5 dwellings from Mayfair

On the basis of the information provided, the proposal is in accordance with Policies COR1 (Sustainable Communities), COR12 (Development Focus) and COR13 (Tiverton) of the Core Strategy and Policy DM1 (Presumption in Favour of Sustainable development) of the Local Plan Part 3.

2. Highway safety

The Highway Authority has no objection to the proposal in principle being satisfied that, subject to the imposition of a condition requiring approval of details, the proposal is able to accommodate the capacity proposed. Concern has been raised through the consultation comments regarding the access from Post Hill, that it is already difficult due to un-restricted parking on both sides of the road. However, the Highway Authority is satisfied that this junction and those with private drives can accommodate the additional traffic proposed including construction traffic and emergency vehicles.

Based on the evidence provided, Officers do not consider the proposal will have an unacceptable impact on highway safety. The proposal makes provision of a pedestrian footpath and is therefore considered to be in accordance with Policy DM2d of the LP3 DMP that seeks safe and accessible places that encourage sustainable modes of travel such as walking and the National Planning Policy Framework in this respect.

3. Detailed Design and Layout / Amenity of Neighbouring Residents

Mayfair is characterised for its detached buildings that sit comfortably within generous plots. It exhibits a suburban form of layout, with each property built to a consistent building line, with the principle point of access being taken off the main street. Those properties directly north of the application site are characterised by low rise buildings. However, low rise buildings are not the typical form throughout Mayfair with a good number of two storey buildings, also being present. The attractive quality of Mayfair is presented through the generous plots that include mature planting (both within the front and rear gardens) and hedge boundaries that present a green streetscape. It is this quality that makes a significant contribution to the character of the area.

The proposal presented is accessed off the main street, by means of a private drive. The proposed dwellings, located to the rear of No.s 12, 14, 16 and 18 will not be readily visible from the main street of Mayfair.

The design of the proposed units is traditional in form, exhibiting a limited palette of materials that complement those existing. Two parking spaces are provided with each dwelling in addition to a garage. Each dwelling meets the requirements of the National Space Standards. The proposed layout and design meets appropriate standards of design and amenity for existing and future occupiers in compliance with Policy DM14(a to h) of the LP3. The small woodland on the south eastern edge of the site will be retained. This contributes to the character of the area including in long distance views. The 5 dwellings would be located on the south western boundary of the site, adjacent to the open countryside. This is beneficial in that the units are located the maximum possible distance from the neighbouring properties - limiting the potential for overlooking and loss of privacy.

The proposed layout of the scheme is constrained by the retention of the existing building and the triangular nature of the site. The relationship between dwellings, including the inclusion of balconies on the front elevation of units 1 and 3 is acceptable. Amendments have been sought for the balcony on unit No. 5 to minimise any potential overlooking of neighbouring gardens. As such, the scheme maintains suitable privacy distances with those neighbouring and no direct overlooking of existing gardens. The plots whilst not as generous as those existing make efficient use of land, whilst providing suitably sized gardens to accommodate family living. The density of development is acceptable.

Two storey properties are not uncommon within Mayfair although not representing those immediately neighbouring the site. The length of the rear gardens to the existing dwellings combined with the proposed layout ensure that the two storey dwellings would not be overbearing. Comments have been received relating to two storey properties being prominent on the ridge line. Long distant views of the site from Manley Lane and West Manley Lane can be achieved. However, in combination with the retained tree group and landscape (required through a condition should planning consent be awarded) the addition of five, two storey dwellings in this location, on the ridge, is not unacceptable. Similarly, glimpsed views from the Grand Western Canal and associated conservation area are not unacceptable.

A number of comments have been received relating to covenants associated with the existing properties. Unfortunately, this is a civil matter including any consultation, or lack of, that may have taken place with the

local residents. Similarly, existing legal rights associated with access off the private drive are a civil matter.

Officers are satisfied that the proposal complies with Policy DM1 of the Local Plan Part 3 - that the proposal exhibits an understanding of the characteristics of the site and its wider context. Whilst not forming part of the Tiverton EUE, the scheme is not out of keeping with the principles of the Adopted Tiverton EUE Masterplan. Should planning consent be forthcoming it is recommended that a condition requiring full details of the landscaping be submitted for approval. Overall, subject to conditions, it is considered that the proposed development will preserve the street scene and is in accordance with policies COR2 of the Mid Devon Core Strategy (LP1) and DM2 of the LP3 DMP.

4. Social Infrastructure and services - sewage, water

A sewerage pumping station is identified within the scheme, adjacent to Plot 1. This will be the basis of discussions with the utility provider should planning consent be forthcoming. As regards to details of surface water it is recommended that a condition requiring full details is submitted for approval.

Concern has been expressed that there are insufficient community facilities to accommodate the proposed units until Area A of the Tiverton EUE is developed. The addition of 5 dwellings will not present an excessive burden on existing facilities including schools. Public transport is easily accessed to medical, shopping and leisure facilities located within the town centre.

5. Ecology

The proposal included the demolition of the garage and annex. An extended Phase 1 Habitat Survey has been undertaken for the site including an assessment for bats and their roosting. Overall, the Ecological Appraisal outlines that the proposal would have a low to moderate impact on fauna and flora. A recommendation from the appraisal is for an endoscope survey of the weatherboarding on the gable end of the bungalow adjoining the annex building. It is now proposed that the inner hall of the Annex is to be retained. Confirmation received from the Ecologist indicates that as a result of this, additional survey work is not required. Similarly, a European Protected Species Licence is not required.

Concern has been expressed about the loss of five trees as a result of this proposal. In acknowledging the retention of the larger group on the south eastern boundary, the retention of hedge bank boundary their loss is accepted. As such, Officers are satisfied that the proposal complies with Policy DM2 (c) of the Local Plan Part 3 - relating to the contribution of biodiversity assets; the NPPF and Countryside and Wildlife Act.

The erection of five dwellings is in accordance with policies COR 1, COR2 and COR13 of the Core Strategy. Subject to conditions, the development is considered to be acceptable in terms of highway safety and the effect on the visual quality of the street scene, and the effect on the amenity of neighbouring residents. The proposal is considered to comply with the relevant policies: COR1, COR2, COR8, COR9 and COR13 of the Mid Devon Core Strategy (LP1), AL/IN/3 and AL/TIV/2 of the AIDPD (LP2) and DM1, DM2, DM8 and DM14 of the Local Plan 3 (Development Management Policies).

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 a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. Unless it is demonstrated that it is unfeasible to do so, the scheme shall use appropriate Sustainable Urban Drainage Systems. The drainage scheme shall be designed so that there is no increase in the rate of surface water runoff from the site resulting from the development and so that storm water flows are attenuated. The development shall be carried out in accordance with the approved scheme.

4. Demolition should be carried out in such a manner as to minimise the potential for airborne nuisance, additional land contamination and/or the creation of additional contamination pathways either on the site or at adjacent properties/other sensitive receptors.
Prior to demolition commencing, a works plan and risk assessment shall be submitted for approval to the Local Planning Authority for consultation with Environmental Health Services. This plan and assessment should identify and risk-assess any potential hazardous material in above or below ground structures that will be removed or disturbed during demolition and measures to deal with these safely. All potentially hazardous materials should be assessed.
5. The proposed estate road, footways, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.
6. No part of the development hereby approved shall be commenced until:
A) The access road has been laid out, kerbed, drained and constructed up to base course level for the first 20.00 metres back from its junction with the public highway.

B) The ironwork has been set to base course level and the visibility splays required by this permission laid out.

C) The footway on the public highway frontage required by this permission has been constructed up to base course level.

D) A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority.
7. 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.
8. No development shall begin until details/samples of the materials to be used for all the external surfaces of the building(s) have been submitted to, and approved in writing by, the Local Planning Authority. Such approved materials shall be so used and retained.
9. No development shall begin until there has been submitted to, and approved in writing by the Local Planning Authority, a landscaping scheme, including details of any changes proposed in existing ground levels. All planting, seeding, turfing or earth reprofiling comprised in the approved details of landscaping shall be carried out prior to the first occupation of the development and any trees or plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species. The landscaping scheme shall be retained in accordance with the approved scheme.
10. Notwithstanding the provisions of Article 3 of The Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) Amendment (No.2) Order 2008 (or any Order revoking and re-enacting that Order with or without modification) no development of the types referred to in Classes B, C of Part 1 of Schedule 2, relating to the enlargement of a dwelling including an addition or alteration to its roof, shall be undertaken within the application site 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 protect water quality and minimise flood risk in accordance with Flood Management Act.
4. In the interests of public health and protection of the environment.
5. To ensure that adequate information is available for the proper consideration of the detailed proposals.
6. To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents.
7. 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'.
8. To ensure that the development makes a positive contribution to the character and amenity of the area in accordance Policy DM2 of Local Plan Part 3 (Development Management Policies).
9. To ensure the use of materials and detailing appropriate to the character and appearance of the building in accordance and boundary treatments in accordance with Mid Devon Core Strategy (Local Plan 1) COR2 and Local Plan Part 3 (Development Management Policies) DM2, DM14.
10. To safeguard the residential amenity of neighbouring residents in accordance with Local Plan Part 3: (Development Management Policies) DM2.

INFORMATIVE NOTE

1. This permission shall not constitute an approval of the layout plan No. A090871-Sk02 submitted with the application, because it has been treated as being for illustrative purposes only.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The erection of five dwellings is in accordance with policies COR 1, COR2 and COR13 of the Core Strategy. Subject to conditions, the development is considered to be acceptable in terms of highway safety and the effect on the visual quality of the street scene, and the effect on the amenity of neighbouring residents. The proposal is considered to comply with the relevant policies: COR1, COR2, COR8, COR9 and COR13 of the Mid Devon Core Strategy (LP1), AL/IN/3 and AL/TIV/2 of the AIDPD (LP2) and DM1, DM2, DM8 and DM14 of the LP3 (Development Management Policies).

Application No. 17/00948/FULL

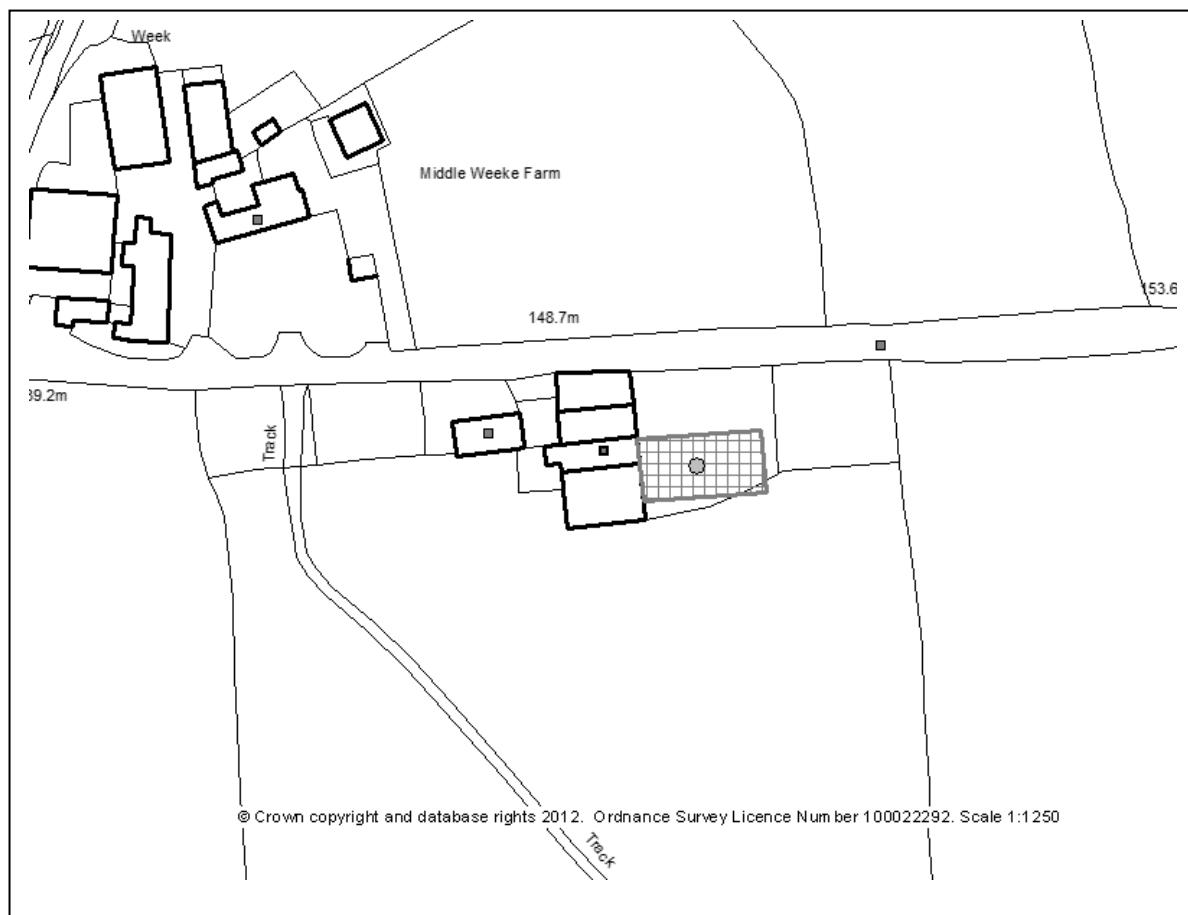
Grid Ref: 276287: 106191

Applicant: Mr & Mrs J Daw

Location: Land and Buildings at NGR 276310 106188 (Middle Weeke Farm)
Morchard Bishop
Devon

Proposal: Erection of an agricultural livestock building

Date Valid: 9th June 2017



Application No. 17/00948/FULL

RECOMMENDATION

Grant permission subject to conditions.

PROPOSED DEVELOPMENT

The proposed building is for livestock purposes. The site is directly adjacent to an existing farm building complex. The proposed building will attach to the existing group to create an L-shaped building and will be used as a livestock & covered feed building to support the activities Middle Weeke Farm, Morchard Bishop.

The building is proposed with a footprint of some 387.31 sq m (27.43 m wide and 14.12m long), standing 5.5m to ridge (eaves height of 3.3m). The applicant proposes tantalised timber spaced boarding above concrete panels under a Profile 6 fibre cement sheeting roof in natural grey. The access is via the existing field access.

A public footpath runs to both the west and east of the site offering public viewpoints of the proposed development over and above that visible from the highway.

APPLICANT'S SUPPORTING INFORMATION

None

PLANNING HISTORY

None

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR2 - Local Distinctiveness

COR9 - Access

COR18 - Countryside

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 - Presumption in favour of sustainable development

DM2 - High quality design

DM22 - Agricultural development

CONSULTATIONS

HIGHWAY AUTHORITY - 20th June 2017 - No objections

MORCHARD BISHOP PARISH COUNCIL - 4th July 2017 - Unanimously supported

ENVIRONMENTAL HEALTH - 19th June 2017 - No objections in terms of any environmental impact and/or contamination concerns, with following advisory note recommended.

Health and safety - No objection to this proposal enforced by HSE. 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 representation received raising the following issues at the time of writing this report.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The building is to be located within an existing farmyard area which already benefits from an existing access which is considered acceptable to serve the new building. Therefore the main determining factors in this application are:

- 1. Policy**
- 2. Impact on the character and appearance of the area,**
- 3. Impact on amenity of residents**

1. Policy

The site is outside settlement limits and is therefore in the open countryside. Local and national planning policies make clear that new development in the countryside should be controlled. However, there is also scope for essential agricultural development to be permitted given the contribution agriculture makes to the character of the countryside and the necessity for such development to be located in rural locations. Therefore there is support for the principle of the application scheme from Policy COR18 of the Mid Devon Core Strategy 2007.

Policy DM22 requires that new, reasonably necessary, agricultural development supports farming activity and is sensitively located to limit any adverse effects on the living conditions of local residents and is well-designed, respecting the character and appearance of the area. This is considered that the submitted information appropriately justifies the proposed building on the basis of the aspirations of the enterprise.

It is considered that the application is justified in terms of it being required to support the activity on the holding, considerations in relation to the landscape impact and environmental and residential amenity are considered below.

2. Impact on the character and appearance of the area

The application scheme proposes a reasonably sized agricultural building which is of a standard design and is proposed to sit as part of an existing group of buildings, and it is not considered that the building would have a significant detrimental impact on the character and appearance of this rural environment (it is not a designated landscape).

From the south and east, there is a public footpath which runs parallel to the site and would provide reasonably close views of the proposed building and the farm yard generally. However, views of the proposed building would not be unduly detrimental to the landscape, particularly bearing in mind the existing buildings and farming paraphernalia already on the site.

Whilst the proposed development will have an additional impact on the landscape, it is not sufficiently harmful to warrant refusal of the application, particularly in a non-designated landscape. The need for a landscaping condition has been carefully considered and it is considered that in this instance it is not necessary, due primarily to the landscaping surrounding the site and the existing buildings on the site.

3. Impact on amenity of residents

As the building is to be used for livestock, the relationship with residential properties that may be unrelated to the agricultural enterprise has been considered.

There would appear to be an unrelated residential property to the west of the proposed building some 170m away. However, there are a number of older livestock buildings on the applicant's holding that are closer to this property. These buildings (which may or may not be used less) would appear to house livestock and would therefore have more of an impact on the living conditions of any neighbouring residential dwellings than the proposed development.

With this in mind, it is considered that the proposal would not significantly affect the living conditions of the occupants of that property. Therefore, in that regard, the application will not cause harm to the privacy or amenity of any neighbouring properties.

Conclusion

There are no other material considerations that would indicate that planning permission should not be granted in accordance with the development plan. The Council are satisfied that the proposed development complies with the policies of the adopted Development Plan, and therefore approval can be recommended subject to the following conditions.

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. No external lighting shall be installed on the building without the prior written consent of the Local Planning Authority.

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 living conditions of the occupiers of nearby properties and to protect the rural environment from unnecessary light pollution in accordance with policy DM22 of Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

It is considered that the proposed development appears to be necessary for agricultural purposes and it would not result in harm to the character and/or visual amenities of the area. The design of the new building is purely functional and has an agricultural appearance. The living conditions of nearby residential properties would not be harmed. The proposal therefore accords with the aims and objectives of restricting development in the countryside whilst maintaining the presumption in favour of suitable agricultural works to aid the rural economy.

On this basis the proposal complies with Policies COR2 and COR18 of the Mid Devon Core Strategy and policies DM2 and DM22 of the Mid Devon Local Plan (LDF) Local Plan Part 3: (Development Management Policies) and government policy as contained in the National Planning Policy Framework.

Application No. 17/01020/FULL

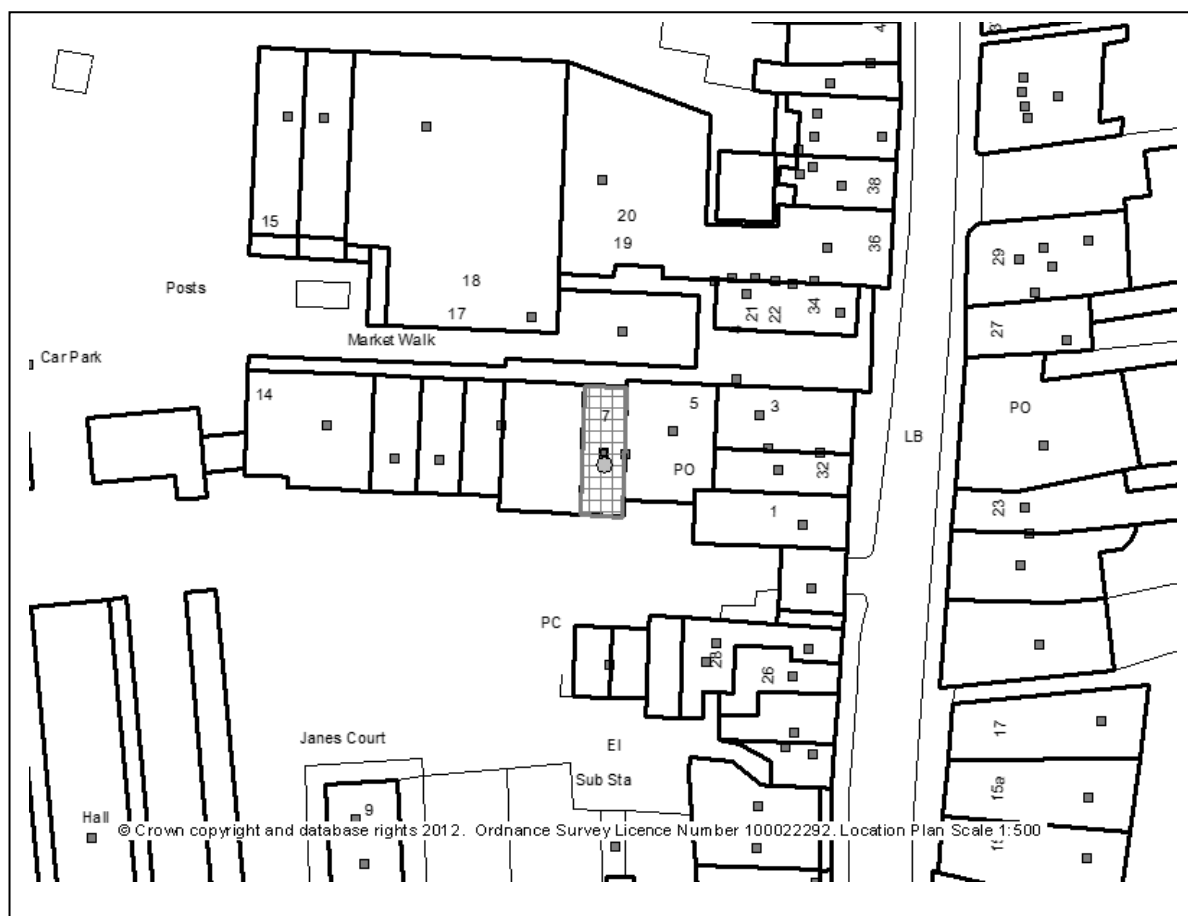
Grid Ref: 295557: 112671

Applicant: Mr A Busby

Location: 7 Market Walk
Bampton Street
Tiverton
Devon

Proposal: Temporary Change of Use for 1 year from A1 use (Retail) to A1 (Retail) and D2 (Assembly and Leisure) use

Date Valid: 22nd June 2017



Application No. 17/01020/FULL

RECOMMENDATION Grant 1 year temporary permission

PROPOSED DEVELOPMENT

Temporary change of use for 1 year from A1 use (Retail) to A1 (Retail) and D2 (Assembly and Leisure) use

APPLICANT'S SUPPORTING INFORMATION

Scaled drawing of ground floor layout
Location plan
Asbestos survey
Planning statement
Email exchange re. physical alterations

PLANNING HISTORY

93/01950/FULL - PERMIT date 23rd December 1993 - Installation of new shopfront

DEVELOPMENT PLAN POLICIES

Mid Devon Local Plan Part 3 (Development Management Policies)
DM16 - Town centre development

CONSULTATIONS

Tiverton Town Council - "support providing returned to retail after leisure complex is refurbished"

REPRESENTATIONS

None received at the time of writing this report

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The material considerations to be taken in to account in the determination of this application are:

- 1. Impact on the vitality and viability of Tiverton town centre;**
- 2. Impact on the character and appearance of the area**

This is an application relating to a small retail unit in the Market Walk precinct in central Tiverton, part of the identified 'primary shopping area'. The proposal is to temporarily change the use of the unit from retail, to retail, assembly and leisure for a period of one year.

Policy DM16 of the Mid Devon Local Plan (Part 3 Development Management policies) identifies the importance of primary shopping areas being protected and retained for retail shopping. The three requirements are that the role and character of the primary shopping area is not undermined, the vitality and viability of the area is not harmed and that there is no detrimental impact on the visual character and amenities of the surrounding area. Also, a change from retail in the primary shopping area must take into account the size of the unit, its location, the number of similar uses nearby, the vacancy history of the building and immediate area, environmental concerns and the character of the area. However, it also acknowledges the importance of diverse town centre uses, through provision of a variety of uses and offers.

Number 7 Market Walk is a small retail unit on the south side of Market Walk. The unit has been vacant for several years and was last used as a jeweller's shop. The proposed temporary change of use is to allow Mid Devon District Council (the owner of the unit) to use the space for leisure classes whilst an extension is

being built at the Exe Valley Leisure Centre approximately 1 mile away. Physical works to create this temporary use are minimal - no structural works are required but a dividing partition has been removed and various updating and decorative works have been carried out. There are no structural alterations that would inhibit the return of the unit to retail use after the one year of leisure use has lapsed. The proposed changes to the unit would not result in any detrimental impact on the character or appearance of the area and the use of the unit would be likely to provide a more active and interesting frontage to Market Walk in accordance with the environmental criteria within policy DM2 Local Plan Part 3 (Development Management Policies).

Whilst the character of this precinct is clearly one of retail, this unit has been vacant for some time - three other units along Market Walk are also vacant at present. Number 7 is a very small unit and others in the immediate vicinity are currently used for retail purposes (including a sports goods retailer nearby). It is considered that filling a vacant unit that will generate additional footfall in the precinct and an increased sense of busyness and vitality, will contribute positively to the local retail environment. The temporary nature of the consent will give an opportunity to the local planning authority to assess the impact of the loss of the retail unit and equally, any positive impacts in the area.

It should be noted that this application has been applied for, described as and also been advertised as "Temporary change of use from A1 use (retail) to A1 (retail) and D1 (assembly and leisure) use". D1 use is in fact 'non-residential institution' - D2 use is assembly and leisure. The application has been amended and it is considered that the description accompanying the use class during advertisement of the application makes the proposed use sufficiently clear. No objections were received during the course of the application.

Balancing the loss of the retail unit against the temporary nature of the consent, size of the unit and its previous vacancy it is considered that this application does comply with policy DM16 of the Mid Devon Local Plan (Part 3 Development Management policies) and should therefore be granted consent.

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The use hereby permitted shall be permitted for one year only from the date of commencement of use. Notification of the date of commencement of use shall be given in writing to the local planning authority.

REASONS FOR CONDITIONS

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order to restrict the consented use period for one year only, to protect and preserve the primary shopping area of Tiverton town centre in accordance with policy DM16 of the Mid Devon Local Plan (Part 3 Development Management policies).

INFORMATIVE NOTE

1. Please note that certain types of banners and advertisements may require Advertisement Consent. You are advised to check what works can and cannot be carried out without consent before commissioning or erecting signage.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The proposed temporary change of use is considered to have minimal impact on the primary retail area of Tiverton given its size, the current vacancy rate of the precinct, the temporary nature of the consent and the nature of the use proposed. The development is therefore considered to be acceptable and in accordance with the Mid Devon Local Plan (Part 3) policy DM16 National Planning Policy Framework and should be granted permission.

Application No. 17/01024/FULL

Grid Ref: 295573: 112689

Applicant: Mr A Busby, MDDC

Location: 21 - 22 Market Walk
Bampton Street
Tiverton
Devon

Proposal: Temporary Change of use for 1 year from retail (Class A1) to Assembly & Leisure (Class D2)

Date Valid: 22nd June 2017



Application No. 17/01024/FULL

RECOMMENDATION Grant 1 year temporary permission

PROPOSED DEVELOPMENT

Temporary change of use for 1 year from A1 use (Retail) to A1 (Retail) and D2 (Assembly and Leisure) use

APPLICANT'S SUPPORTING INFORMATION

Scaled drawing of ground floor layout
Location plan
Asbestos survey
Planning statement
Email exchange re. physical alterations

PLANNING HISTORY

91/01842/FULL - PERMIT date 7th May 1993 - New retail units with storage above, alterations to existing buildings & extension to form offices, and upgrading of pedestrian shopping thoroughfare
93/00355/FULL - PERMIT date 27th July 1993 - Construction of new shop fronts
05/01906/FULL - PERMIT date 9th December 2005 - Change of use of first and second floors from office use to residential

DEVELOPMENT PLAN POLICIES

Mid Devon Local Plan Part 3 (Development Management Policies)

DM16 - Town centre development

CONSULTATIONS

Tiverton Town Council - "support providing returned to retail after use for the leisure centre"

REPRESENTATIONS

None at the time of writing this report

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The material considerations to be taken into account in the determination of this application are:

- 1. Impact on the vitality and viability of Tiverton town centre**
- 2. Impact on the character and appearance of the area**

This is an application relating to a medium sized retail unit in the Market Walk precinct in central Tiverton, part of the identified 'primary shopping area'. The proposal is to temporarily change the use of the unit from retail, to retail and assembly and leisure for a period of one year.

Policy DM16 of the Mid Devon Local Plan (Part 3 Development Management policies) identifies the importance of primary shopping areas being protected and retained for retail shopping. The three requirements are that the role and character of the primary shopping area is not undermined, the vitality and viability of the area is not harmed and that there is no detrimental impact on the visual character and amenities of the surrounding area. Also, a change from retail in the primary shopping area must take into account the size of the unit, its location, the number of similar uses nearby, the vacancy history of the

building and immediate area, environmental concerns and the character of the area. However, it also acknowledges the importance of diverse town centre uses, through provision of a variety of uses and offers.

Number 21-22 Market Walk is a medium sized retail unit on the south side of Market Walk. The unit has been vacant for approximately 4 months and was last used as a charity shop. The proposed temporary change of use is to allow Mid Devon District Council (the owner of the unit) to use the space for leisure classes whilst an extension is being built at the Exe Valley Leisure Centre approximately 1 mile away. Physical works to create this temporary use are minimal - no structural works are required but various updating and decorative works have been carried out and a partition has been removed to create one large room with small kitchenette and WC. There are no structural alterations that would inhibit the return of the unit to retail use after the one year of leisure use has lapsed. The proposed changes to the unit would not result in any detrimental impact on the character or appearance of the area and the use of the unit would be likely to provide a more active and interesting frontage to Market Walk in accordance with the environmental criteria within policy DM2 of the Local Plan Part 3 (Development Management policies).

Whilst the character of this precinct is clearly one of retail, this unit has been vacant for approximately four months - three other units along Market Walk are also vacant at present. Number 21-22 is a medium sized unit and others in the immediate vicinity are currently used for retail purposes (including a sports goods retailer nearby). It is considered that by filling a vacant unit this could generate additional footfall in the precinct and an increased sense of busyness and vitality, contributing positively to the local retail environment. The temporary nature of the consent will give an opportunity to the local planning authority to assess the impact of the loss of the retail unit and equally, any positive impacts in the area. Of particular note is the size of this retail unit - it is relatively large for both the precinct and the town centre and careful consideration should be given to this loss for any subsequent application for a longer period of use that is not retail.

It should be noted that this application has been applied for, described as and also been advertised as "Temporary change of use from A1 use (retail) to A1 (retail) and D1 (assembly and leisure) use". D1 use is in fact 'non-residential institution' - D2 use is assembly and leisure. The application has been amended and it is considered that the description accompanying the use class during advertisement of the application makes the proposed use sufficiently clear. No objections were received during the course of the application.

Balancing the loss of the retail unit against the temporary nature of the consent and its previous vacancy it is considered that this application does comply with policy DM16 of the Mid Devon Local Plan (Part 3 Development Management policies) and should therefore be granted consent.

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The use hereby permitted shall be permitted for one year only from the date of commencement of use. Notification of the date of commencement of use shall be given in writing to the local planning authority.

REASONS FOR CONDITIONS

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order to restrict the consented use period for one year only, to protect and preserve the primary shopping area of Tiverton town centre in accordance with policy DM16 of the Mid Devon Local Plan (Part 3 Development Management policies).

INFORMATIVE NOTE

1. Please note that certain types of banners and advertisements may require Advertisement Consent. You are advised to check what works can and cannot be carried out without consent before commissioning or erecting signage.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The proposed temporary change of use is considered to have minimal impact on the primary retail area of Tiverton given the current vacancy rate of the precinct, the temporary nature of the consent and the nature of the use proposed. The development is therefore considered to be acceptable and in accordance with the Mid Devon Local Plan (Part 3) policy DM16 National Planning Policy Framework and should be granted permission.

Mrs Jenny Clifford
Head of Planning and Regeneration

