



Public Document Pack

North Devon Council
Brynsworthy Environment Centre
Barnstaple
North Devon EX31 3NP

K. Miles
Chief Executive.

PLANNING COMMITTEE

A meeting of the Planning Committee will be held in the Barnstaple Rugby Club on **WEDNESDAY, 9TH OCTOBER, 2019 at 10.00 am.**

(NOTE: A location plan for the Rugby Club is attached to the agenda front pages)

NOTE: Please note that copies of letters of representation have been placed on North Devon Council's website and are also available in the Planning Department.

ALSO: A break at lunchtime may be taken at the discretion of the Committee dependent upon the speed of progress of determining the planning applications on the agenda.

PARKING: Please note that the Rugby Club is a pay and display car park (£1.70 all day). Other nearby car parks are located at Mill Road Car Park (adjacent to the Rugby Club – 40p per hour, maximum stay 3 hours), Fairview (£1.70 all day) or Rolle Quay (£1.10 per hour for 1 – 4 hours. 5 hours - £5.60, 6 hours - £6.80, 7 hours - £8.00, 8 hours - £9.20).

Members of the Planning Committee

Councillor Ley (Chairman)

Councillors Chesters, Crabb, Davies, Fowler, Gubb, Knight, Lane, Leaver, Mackie, Prowse, D. Spear, L. Spear, Tucker and Yabsley

AGENDA

1. Apologies for absence
2. To approve as a correct record the minutes of the meeting held on 11th September 2019 (Pages 9 - 14)
3. Items brought forward which in the opinion of the Chairman should be considered by the meeting as a matter of urgency
4. Declaration of Interests

(Please complete the form provided at the meeting or telephone the Corporate and Community Services Team to prepare a form for your signature before the meeting. Items must be re-declared when the item is called, and Councillors must leave the room if necessary)

5. To agree the agenda between Part 'A' and Part 'B' (Confidential Restricted Information)

PART A

6. **70262: The Old Tannery, South Molton** (Pages 15 - 46)
Conversion of existing buildings to create 14 dwellings together with erection of 7 new dwellings and associated works, 77 The Old Tannery, East Street, South Molton, EX36 3DQ. Report by Head of Place (attached).
7. **70265: Lion House, Victoria Street, Combe Martin** (Pages 47 - 60)
Retrospective Application for Change of Use from Dwelling (Use Class C3) to Bed and Breakfast (Use Class C1), Lion House, Victoria Street, Combe Martin, Ilfracombe, Devon, EX34 0LZ. Report by Head of Place (attached).
8. **70296: Land at Little Yeo, Witheridge** (Pages 61 - 68)
Erection of one agricultural building, Land at Little Yeo, Witheridge, Devon, EX16 8QA. Report by Head of Place (attached).

PART B (CONFIDENTIAL RESTRICTED INFORMATION)

Nil.

If you have any enquiries about this agenda, please contact Corporate and Community Services, telephone 01271 388253

NOTE: Pursuant to Part 3, Annexe 1, paragraph 1 of the Constitution, Members should note that:

"A Member appointed to a Committee or Sub-Committee who:

- (a) Arrives at a meeting during the consideration of an item; or*
- (b) Leaves a meeting at any time during the consideration of an item;*

Shall not:

- (i) propose or second any motion or amendment; or*
- (ii) cast a vote*

in relation to that item if the Committee or Sub-Committee (as the case may be):

- (c) Is sitting in a quasi-judicial capacity in relation to that item; or*
- (d) The item is an application submitted pursuant to the Planning Acts and, in such a case, the Member shall also leave the room if at any time the public and press are excluded in respect of that item."*

REGISTERING TO SPEAK

- If you wish to address the Planning Committee you should contact the Committee Administrator in advance of the Committee on 01271 388253 or speak to them just before the meeting commences.

WHAT HAPPENS AT COMMITTEE?

- The Chairman will introduce himself/herself
- The Planning Officer will present his/her report
- The Chairman will call out the names of individuals who have registered to speak
- Speakers will be **restricted to 3 minutes each** (which is timed and bleeped). **A maximum of six supporters and six objectors of the application may speak at committee.** The applicant or agent and representative of the parish council may also speak at committee.
- ***Once public participation has finished, the Planning Officer will be given the opportunity to respond or to clarify any points that have arisen from the public participation exercise***
- The Members of the Committee shall then debate the application (**at this point the public shall take no further part in the debate**)

WHEN SPEAKING

- State clearly your name, who you are representing and whether you are supporting or objecting to the application
- Speak slowly, clearly and loud enough for everyone to hear you, and direct your comments to the Chairman and the Committee
- Try to be brief, avoid being repetitive, and try to prepare what you want to say beforehand.

WHAT HAPPENS NEXT?

- ***A record of the decisions taken at the meeting is produced (known as the “minutes of the meeting”)***
- The minutes of the meeting are published on the Council’s Website:
www.northdevon.gov.uk



**APPOINTMENT OF SUBSTITUTE MEMBERS
AT MEETINGS OF THE PLANNING COMMITTEE**

In accordance with the North Devon Council Constitution, a Member or Leader or Deputy Leader of a Political Group, appointing a substitute shall notify the Proper Officer of the name of his/her substitute. **Notification by a Member purporting to be a substitute Member will not be accepted.**

In the case of a substitution to the Planning Committee, the substitute Member shall sign and lodge this certificate with the Corporate and Community Support Manager confirming the acceptance of the appointment and that they have completed all Planning training modules provided to Members.

DATE OF PLANNING COMMITTEE: [Insert date]

For completion by Member of the Planning Committee requiring a substitute

I, Councillor..... [print name], hereby declare that I appoint
Councillor [insert name of substitute Member] to substitute for
me at the above mentioned meeting of the Planning Committee:

[signature]..... [date].....
OR

For completion by Leader/Deputy Leader of a political group nominating a substitute

I, Councillor..... [print name of group Leader/Deputy Leader],
hereby declare that I appoint Councillor [insert name of
substitute Member of same political Group] to substitute for Councillor
.....[insert name] at the above mentioned meeting of the Planning
Committee.

[signature]..... [date].....
AND

For completion by substitute Member accepting appointment of substitute

I, Councillor [print name], hereby confirm that I
accept the appointment of Substitute for the above mentioned Planning Committee and
hereby confirm that I have undertaken all appropriate Planning training modules in
relation to the same.

[signature]..... [date].....

**NOTE: FORM TO BE COMPLETED AND RECEIVED BY CORPORATE AND COMMUNITY SUPPORT
PRIOR TO THE COMMENCEMENT OF THE MEETING**

North Devon Council protocol on recording/filming at Council meetings

The Council is committed to openness and transparency in its decision-making. Recording is permitted at Council meetings that are open to the public. The Council understands that some members of the public attending its meetings may not wish to be recorded. The Chairman of the meeting will make sure any request not to be recorded is respected.

The rules that the Council will apply are:

1. The recording must be overt (clearly visible to anyone at the meeting) and must not disrupt proceedings. The Council will put signs up at any meeting where we know recording is taking place.
2. The Chairman of the meeting has absolute discretion to stop or suspend recording if, in their opinion, continuing to do so would prejudice proceedings at the meeting or if the person recording is in breach of these rules.
3. We will ask for recording to stop if the meeting goes into 'part B' where the public is excluded for confidentiality reasons. In such a case, the person filming should leave the room ensuring all recording equipment is switched off.
4. Any member of the public has the right not to be recorded. We ensure that agendas for, and signage at, Council meetings make it clear that recording can take place – anyone not wishing to be recorded must advise the Chairman at the earliest opportunity.
5. The recording should not be edited in a way that could lead to misinterpretation or misrepresentation of the proceedings or in a way that ridicules or shows a lack of respect for those in the recording. The Council would expect any recording in breach of these rules to be removed from public view.

Notes for guidance:

Please contact either our Corporate and Community Services team or our Communications team in advance of the meeting you wish to record at so we can make all the necessary arrangements for you on the day.

For more information contact the Corporate and Community Services team on **01271 388253** or email memberservices@northdevon.gov.uk or the Communications Team on **01271 388278**, email communications@northdevon.gov.uk.

The Barnstaple Rugby Club full address is: Barnstaple RFC, Pottington Road, Barnstaple, EX31 1JH.

At the traffic lights at the end of Rolle Street on the B3149 turn either left or right onto Mill Road according to the direction that you are travelling from. Follow the road along and turn right onto Pottington Road.

The Rugby Club is located on your left. Please note that the Rugby Club is a pay and display car park (£1.70 all day). Other nearby car parks are located at Fairview (£1.70 all day) or Rolle Quay (£1.10 per hour for 1 – 4 hours. 5 hours - £5.60, 6 hours - £6.80, 7 hours - £8.00, 8 hours - £9.20).



1.10.19

NORTH DEVON COUNCIL

Minutes of a meeting of Planning Committee held at Barnstaple Rugby Club Main Room - Barnstaple Rugby Club on Wednesday, 11th September, 2019 at 10.00 am

PRESENT: Members:

Councillor Ley (Chairman)

Councillors Chesters, Davies, Gubb, Lane, Leaver, Lofthouse (substitute for Councillor Knight), Mackie, Prowse, D. Spear, L. Spear, Tucker and Yabsley

Officers:

Head of Place, Solicitor, Lead Planning Officer (North) and Planning Officer

Also Present:

Councillors Jenkins and York

13. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Fowler and Knight. Councillor Lofthouse was appointed as a Substitute Member for Councillor Knight.

14. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON 14TH AUGUST 2019 (ATTACHED)

RESOLVED that the minutes of the meeting held on 14th August 2019 (circulated previously) be approved as a correct record and signed by the Chairman.

15. ITEMS BROUGHT FORWARD WHICH IN THE OPINION OF THE CHAIRMAN SHOULD BE CONSIDERED BY THE MEETING AS A MATTER OF URGENCY

- (a) Planning application 66450: Reserved Matters Application For Primary School (Outline Planning Permission 53881), Land West Of Tews Lane, Bickington, EX31 3WJ

The Chair advised that in pursuance to minute 7 of the meeting held on 14th August 2019, the Head of Place would provide an update regarding the meeting with Devon County Council officers following the conclusion of the meeting.

(b) Site inspection

The Chair advised that a site inspection was required prior to the next meeting of the Committee in relation to an application at Combe Martin. A date would be arranged following the conclusion of the meeting.

16. DECLARATION OF INTERESTS

The following declarations of interest were announced:

Councillor Chesters Planning application 66934 Personal interest as she owned 23 Velator Close, Braunton, however the property is due to be sold on 30th September 2019.

Councillor Yabsley Planning application 70293: Personal and Prejudicial interest as a Devon County Council Member of the Development Committee.

The Chair gave Councillor Yabsley permission to remain in the room during the consideration of planning application 70293, but to not vote on the application.

17. 66934: VARIATION OF CONDITIONS 2 (APPROVED PLANS) 3 (LEMP) AND 6 (NOISE) ATTACHED TO APPLICATION 58119 AND APPEAL REFERENCE APP/X118/W/15/3081123 TO AMEND THE DESIGN OF BMX LAYOUT.

The Committee considered a report by the Head of Place (circulated previously – now appended).

Anne Melhuish (objector), Liz Wood (objector) and Vanessa Harrison (applicant) addressed the Committee.

In response to questions, the Lead Planning Officer confirmed that the location of the BMX track was already established in accordance with planning application 58119 whereby permission had been granted. The application had been refused, but granted on appeal. The Environment Agency and Devon County Council Flood Authority had been consulted and were satisfied with the drainage proposals and that there was no additional flood risk. The proposals for car parking, remained unchanged from the original application. The submission of a Landscape and Ecological Management Plan (LEMP) which would provide biodiversity gains was approved under reference 66349. Landscaping would be the responsibility of North Devon Council. There were no conditions imposed to restrict access to the site, however no lighting would be provided therefore usage would be limited to daylight.

In response to questions, the applicant confirmed that consultation had been undertaken prior to submission of the application, whereby over 300 responses had

been received and the majority were in support. Consultation had also been carried out with users regarding the design.

RESOLVED (11 for, 0 against and 1 abstained) that the application be APPROVED as recommended by the Head of Place.

18. **70293: APPLICATION UNDER REGULATION 3 OF THE T & CP GENERAL REGULATIONS 1992 NOTIFICATION BY DEVON COUNTY COUNCIL IN RESPECT OF IMPROVEMENTS TO AN EXISTING ROUNDABOUT AND PROVISION OF A NEW UNDERPASS (DCC REF: BGX/DCC/4142/2019)**

The Committee considered a report by the Head of Place (circulated previously – now appended).

Councillor Yabsley declared a personal and prejudicial interest and remained in the room with the permission of the Chair, but did not vote.

The Planning Officer recommended that Council should recommend to Devon County Council that the application be granted once greater evidence was available in respect of ecological impact including the delivery of an ecological nett gain from the completed development, and an associated (LEMP), the completion of a construction plan to protect residents and planting scheme requiring particular species to be used.

Councillor Ricky Knight (objector) addressed the Committee.

Councillor York (Ward Member) addressed the Committee.

In response to questions, the Planning Officer advised that the Environment Agency had not raised any objections as the previous concerns raised regarding surface run off had been addressed. The proposal would not generate any additional traffic into South Street as the approach to the roundabout would be widened to enable traffic to go straight across the roundabout and also turn left into South Street. The Head of Park School had undertaken a small internal survey. Section 106 financial contributions had been sought from the Roundswell development towards improvements at the Bishop's Tawton roundabout and contributions would also be sought from the Larkbeare development. The scheme was part of strategic improvements to the A361/A39. A pedestrian survey was undertaken in 2012. A wet and dry pedestrian count had been undertaken in 2019. Policy ST10 in the Joint Local Plan set out the operational improvements to be made to the A361 and A39. The cost of the scheme was not a material planning consideration.

RESOLVED (9 for, 1 against and 0 abstained) that the decision of the Strategy and Resources Committee held on 2nd September 2019 be supported and that the following observations be made to Devon County Council:

- (a) That the objectives of the Bishop's Tawton roundabout

improvement scheme be supported in principle subject to:

- (i) Consideration being given to physical measures that could be introduced to reduce through traffic to South Street e.g. width restriction;
 - (ii) Consideration being given to measures that could be introduced to encourage traffic to use more appropriate accesses to the east of Barnstaple;
 - (iii) Consideration of whether the provision of an underpass was necessary or whether there were other measures that could provide the same level of cycle and pedestrian safety and that the two preferred options of providing a toucan crossing and improvements and updates to the existing cycleway/footpath be investigated;
- (b) That as a result of the consultation and reviewing the concerns raised, the Council was most concerned and requested that a full strategic review of traffic movements and access issues in Barnstaple was undertaken and also expressed concern regarding the funding reductions for park and ride schemes.

19. ADJOURNMENT OF MEETING

RESOLVED that the meeting be adjourned to enable a five minute comfort break.

RESOLVED that the meeting be re-convened to consider the remaining business.

20. CONSTITUTION AMENDMENT - HEAD OF PLACE DELEGATED POWERS

The Head of Place advised the Committee that at the meeting of Council on 24th July 2019, the consideration of the amended wording of paragraph 7.2 of the delegated powers to the Head of Place was deferred.

A paper detailing the proposed amended wording for paragraph 7.2 of the delegated powers to the Head of Place was tabled.

RECOMMENDED that the wording for paragraph 7.2 of the delegated powers to the Head of Place of the Constitution be amended as follows:

“7.2 To consider and determine any application (excluding applications that are specifically referred to elsewhere in this section) submitted pursuant to the Planning Acts or any regulations or orders

made pursuant to the Planning Acts (as revoked and replaced or amended from time to time) excluding an application:

in respect of which the Head of Place receives within 28 days, unless agreed otherwise with the Head of Place, of an application being registered, a written representation from a Member(s) containing sound planning reasons for the application to go to Planning Committee for decision. Should the Head of Place be minded to refuse the request to suspend delegation they must consult with the Chair of Planning Committee. If the Head of Place and Chair (or Vice-Chair if the application is called in by the Chair) of the Planning Committee cannot reach an agreement after consultation then the application will be brought to the Planning Committee for consideration. Factors to be weighed by the Head of Place include the extent of public interest (recognising that this in of itself does not constitute material planning grounds), the wider community impact, the decision is a finally balanced one and/or the planning matters under consideration are of broad significance.”

Chairman

The meeting ended at 12.21 pm

NOTE: These minutes will be confirmed as a correct record at the next meeting of the Committee.

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Application Report
Strategic Development & Planning
Place Services
North Devon Council
Lynton House, Commercial Road,
Barnstaple, EX31 1DG



Application No:	70262	Application Expiry:	4 November 2019
Application Type:	Full application	Ext Of Time Expiry:	
		Publicity Expiry:	9 September 2019
Parish/Ward:	South Molton/South Molton		
Location:	77 The Old Tannery East Street South Molton Devon EX36 3DQ		
Proposal:	Conversion of existing buildings to create 14 dwellings together with erection of 7 new dwellings & associated works		
Agent:	Matt Steart		
Applicant:	J Mazzard Investments Ltd		
Planning Case Officer:	Ms. J. Watkins		
Departure:	N		
EIA Development:		EIA Conclusion:	Development is outside the scope of the Regulations.
Decision Level/Reason for Report to Committee :			
At the request of Cllr Worden for the following reason:			

Call In Request

As you no doubt are aware the South Molton Town Council would like the application regarding the Tannery, East Street called in for discussion by the Planning Committee if you are of a mind to grant permission for the full scheme. As ward member I too am concerned about the access on to East Street for lots of extra traffic. The access is not good and East Street has traffic problems of its own and I think that it should be looked at by committee.

Site Description

The site is on the south eastern edge of the Town accessed from East Street and comprises 77 East Street (within the blue outline) and The Tannery. The Design and Access Statement refers to the site as 'an important late 19th century industrial complex which may incorporate late 17th century and certainly early to mid-19th century

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elements. The complex was at the centre of an area of light industry to the east of the town along East Street. Towards the middle of the 20th century there was a steady decline in the tannery business, although the industry continued until the business and most of the tannery buildings were sold in 1954. By 1988 most of the tannery buildings were bought back and subsequently rented by small local businesses'. The type of recent uses includes car repairs, light manufacturing and storage.

Access from East Street is between two buildings; a building known as "The Stables" on the east side and No .77 East Street to the west side, which is not included within the development proposals. From the entrance, the driveway dog-legs around the L-shaped residence of No .77 before continuing southwards, with former tannery buildings on either side. It then passes between a walled garden to the east and a field to the west, providing access to the buildings at the southern end of the complex.

The ground descends steadily from c. 123 m above Sea Level (MASL) at East Street (to North) to c. 107 MASL at the southern extent of the Site. At the lowest edge of the site is a drainage ditch/brook.

The field to the west of the driveway is long and narrow, the top half sloping gently downhill from c. 123 MASL to c. 117 MASL before sloping more steeply to c. 108 MASL at the southern end.

At the northern end of the Site the tannery complex is flanked by houses situated along East Street and their respective gardens. Fields surround the remainder of the Site although modern housing developments are located a short distance to the west and to the south.

The Site area is 0.99ha

Recommendation:

Approved

Legal Agreement Required:- Yes

Planning History

Planning	Decision	Decision Date
17287	Full planning approval	13 September 1993
Proposal: proposed conversion of old stables to form 2 no.holiday units (amended description).		
70263		
Proposal: Listed building application for conversion of existing buildings to create 14 dwellings together with erection of 7 new dwellings		

Constraints/Planning Policy

Constraint / Local Plan Policy	Distance (Metres)
Conservation Area: 30 South Molton ;	Within constraint
Listed Building: 39 EH Ref 1106842 No 77, East Street (north east side)	Within constraint
Within Listed Building Curtilage	Within constraint
Landscape Character is: 3A Upper Farmed & Wooded Valley Slopes	Within constraint
Area of Special Advert Control	Within constraint
SSSI Impact Risk Consultation Requirement	Within constraint
Within Surface Water 1 in 30	Within constraint
Tree Preservation Order: 206 - A1, Land off Brook Meadow, Rear of East Street, South Molton Tree Preservation Order 1986	Within constraint
Within South Molton Development Boundary ST06	Within constraint
Within Adopted Unesco Biosphere Transition (ST14)	Within constraint

DM01 - Amenity Considerations

DM02 - Environmental Protection

DM03 - Construction and Environmental Management

DM04 - Design Principles

DM05 - Highways

DM06 - Parking Provision

DM07 - Historic Environment

DM08 - Biodiversity and Geodiversity

DM09 - Safeguarding Green Infrastructure

DM10 - Green Infrastructure Provision

DM23 - Residential Development in defined Settlements without development
boundaries

DM27 - Re-use of Rural Buildings

SMO - South Molton Spatial Vision and Development Strategy

ST01 - Principles of Sustainable Development

ST02 - Mitigating Climate Change

ST04 - Improving the Quality of Development

ST05 - Sustainable Construction and Buildings

ST06 - Spatial Development Strategy for Northern Devon's Strategic and Main Centres

ST14 - Enhancing Environmental Assets

ST18 - Affordable Housing on Development Sites

Consultees

Name	Comment
<p>Cllr Worden Reply Received 9 September 2019</p>	<p>As you no doubt are aware the South Molton Town Council would like the application regarding the Tannery, East Street called in for discussion by the Planning Committee if you are of a mind to grant permission for the full scheme. As ward member I too am concerned about the access on to East Street for lots of extra traffic. The access is not good and East Street has traffic problems of its own and I think that it should be looked at by committee.</p>
<p>DCC - Childrens Services Reply Received 30 August 2019</p>	<p>Devon County Council has identified that the proposed increase of 21 family type dwellings will generate an additional 5.25 primary pupils and 3.15 secondary pupils which would have a direct impact on the South Molton town Primary schools and South Molton Secondary school.</p> <p>In order to make the development acceptable in planning terms, an education contribution to mitigate its impact will be requested. This is set out below:</p> <p>We have forecasted that there is no spare capacity at the nearest primary school for the number of pupils likely to be generated by the proposed development and therefore a contribution towards additional education infrastructure at the local primary school that serves the address of the proposed development will be sought. The contribution sought is £71,673 (based on the DfE extension rate of £13,652 per pupil).</p> <p>We have also forecasted that the nearest secondary school currently does not have capacity for the number of pupils likely to be generated by the proposed development. Therefore, Devon County Council will seek a contribution directly towards additional education infrastructure at the local secondary school that serves the address of the proposed development. The contribution sought is £69,051 (based on the DfE extension rate of £21,921 per pupil). This will relate directly to providing education facilities for those living in the development.</p> <p>In addition, a contribution towards Early Years provision is needed to ensure delivery of provision for 2, 3 and 4 year olds. This is calculated as £5,250 (based on £250 per dwelling). This will be used to provide early years provision for pupils likely to be generated by the proposed development.</p>
<p>DCC - Development Management Highways Reply Received 14 August 2019</p>	<p>The proposal would result in the reuse of existing buildings and land that already generates a level of traffic similar to or higher than that which will result from the proposed dwellings. I therefore have no objection to the proposal on traffic impact grounds.</p> <p>Visibility at the site entrance is substandard, however, due to the lack of vehicle collisions recorded here in the past and the existing</p>

	<p>use of the site as mentioned above, the future situation would be likely to see less traffic using this access than previously, and therefore a potential improvement in highway safety.</p> <p>The internal road will not be suitable for adoption as public highway due to its narrow layout and likely level of contamination which would require to be removed entirely and rebuilt for the road to be adopted. APC charges will therefore apply under section 219 of the Highways Act until an exemption from these can be found as set out in part 4 of that section of the Act. For the avoidance of doubt, this is not a reason to refuse the planning application.</p> <p>To ensure that there is safe and suitable access between the site and the facilities within the town for all people, my only requirement for this site is that the dropped crossing footway at the site entrance is remade properly and the (two) steps in the footway to the left of the entrance (on exiting) are removed and a non-stepped footway provided.</p> <p>With the above improvements the site will be within easy walking distance of facilities within the town as well as bus services to other locations.</p>
<p>DCC - Historic Environment Service</p> <p>Reply Received 15 August 2019</p>	<p>The proposed development will have an impact upon the historic tannery buildings that occupy the eastern part of the site. Documentary evidence suggests that a tannery was operational here from the 17th century and historic building fabric from this period may survive within the extant historic buildings. In addition, the proposed development lies in an area of archaeological potential within the rear part of medieval burgage plots aligned on East Street to the north where it may be anticipated that small-scale rural industrial activity such as iron smithing may have taken place.</p> <p>While the significance of the extant historic buildings has been assessed, by the historic building survey and desk-based assessment prepared by Context One Archaeological Services (COAS), the significance of any heritage assets with archaeological interest on the site is unknown. The COAS report does state: <i>"Regards the field to the west of the tannery, it is considered that archaeological remains might be present and that further investigations may be required in order to establish the presence and character of any such remains."</i></p> <p>However, the information submitted in support of this application is not sufficient to enable an understanding of the significance of the heritage assets with archaeological interest within the application area or of the impact of the proposed development upon these heritage assets.</p>

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	<p>Given the high potential for survival and significance of below ground archaeological deposits associated with the early tannery and medieval industrial or rubbish dispersal activity in the fields to the west and the absence of sufficient archaeological information, the Historic Environment Service objects to this application. If further information on the impact of the development upon the archaeological resource is not submitted in support of this application then I would recommend the refusal of the application. This would be in accordance with Policy DM07 in the North Devon and Torridge Local Plan (2018) and paragraphs 189 and 199 of the National Planning Policy Framework (2018).</p> <p>The additional information required to be provided by the applicant would be the results of a programme of intrusive archaeological field evaluation of areas where construction works have the potential to impact upon any below-ground archaeological deposits.</p> <p>The results of these investigations will enable the presence and significance of any heritage assets within the proposed development area to be understood as well as the potential impact of the development upon them, and enable an informed and reasonable planning decision to be made by your Authority.</p>
<p>DCC - Lead Local Flood Authority</p> <p>Reply Received 28 August 2019</p>	<p>At this stage, we object to this planning application because we believe it does not satisfactorily conform to saved Policy ST03 linking to climate change of North Devon and Torridge Local Plan (2011 - 2031). The applicant will therefore be required to submit additional information in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.</p>
<p>Designing Out Crime Officer</p> <p>Reply Received 15 August 2019</p>	<p>Police have no objections in principle to the proposal, the general layout will provide both active frontages and good neighbourly surveillance opportunities to help deter criminal activity and anti-social behaviour. Site specific information.</p> <p>The proposed boundary treatments are noted.</p> <ul style="list-style-type: none"> • All access that leads to the rear of dwellings must be gated as standard. • The gates must be the same height as the adjoining boundary treatment (1.8m as a minimum height requirement) be robustly constructed of timber and lockable. Such gates must be located on or as near to the front building line as possible to prevent the creation of recesses and any attempts to climb over will be more noticeable. All gates should be capable of being locked from both sides by means of a key to ensure the rear access is secure at all times regardless of ingress or egress. Sliding bolts fitted on the inner face of garden gates are not considered acceptable from a security perspective as clearly the bolt would have to be fitted to the top of the gate so it could be reached and

	<p>opened from the outer face and therefore the rear access would not be secure on egress.</p> <ul style="list-style-type: none"> • The indicated Informal Open Space will be overlooked. However, I would advise some additional defensive planting is undertaken against the wall/fence adjacent to plot U11. • Should the proposed 'future footpath link' adjacent to plots 10 & 21 on the southern boundary come to fruition, it must be and feel as safe as possible to use and again should not potentially undermine the security of nearby dwellings or future facilities. It is important to consider which routes may just be used for leisure and others which for example children may have to use to walk to school etc. Therefore, the question of lighting will also need careful consideration, particularly given the indicated location will make it impossible to see the entire length of the footpath, potentially creating an isolated and intimidating area for users. It must also be understood that the footpath would legitimise casual intrusion by non-residents into the site. • Vandalism and theft at allotments is a common problem across the county, therefore, consideration must be given to the security of the walled garden area, including the allotments, with some robust perimeter security and gates.
<p>Environment Agency</p> <p>Reply Received 12 August 2019</p>	<p>No objections to the proposed development as submitted. <u>Reason</u> We have reviewed the Phase 2: Geotechnical Investigation and Contamination Assessment Report for the above site. Report No: CG/SR/15690/GICAR, dated 25th May 2017. The controlled water risk assessment shows that no detectable levels of contamination, in particular PAH and TPH, were recorded within the groundwater sample taken from WS02. It also considers that the recorded levels of contamination in the soil zone are unlikely to be harmful to the water environment. With this in mind we have no objections with regards to the above development.</p>
<p>Environmental Health Manager</p> <p>Reply Received 20 August 2019</p>	<p><u>1 Land Contamination</u> I have reviewed the Phase 2 Geotechnical and Contamination Assessment Report by Ruddlesden Geotechnical dated 25 May 2017. The assessment identifies sources of potentially significant contamination at the site requiring remediation. The report describes a number of possible remediation options that would address the contamination. The report also recommends additional sampling and testing in relation to potential asbestos contamination of the site (see 2 Asbestos below). Given the above, I recommend conditions be imposed.</p> <p><u>2 Asbestos</u> The buildings on the site are of an age where materials containing asbestos may have been used in their construction or subsequent modification. Also, the Contamination Assessment report (see above) states that further sampling and testing for asbestos is required in order to prepare an asbestos risk assessment for the</p>

	<p>site. The buildings should be surveyed for asbestos containing materials prior to any conversion or demolition by a suitably qualified person in order to protect site workers and public health. Where found, materials containing asbestos must be treated and, where relevant, disposed of in accordance with current legislation and guidance. I recommend the above asbestos survey and risk assessment be referred to in a Construction Environmental Management Plan (see below).</p> <p><u>3 Construction Phase Impacts</u></p> <p>In order to ensure that nearby residents are not unreasonably affected by dust, noise or other impacts during the construction phase of the development, works should be controlled under a suitable Construction Environmental Management Plan. I have read the submitted Mazzard Investments Ltd Construction Management Plan. This plan leaves a number of areas open as to the detailed methods that will be used to control potential impacts. It also refers to future assessment of e.g. asbestos risks affecting the site. Given the scale of the proposed development and proximity to existing sensitive neighbours, it will be important that a further more detailed document is approved in due course. I therefore recommend conditions be imposed on any permission.</p>
<p>Health & Safety Executive</p> <p>Reply Received 9 August 2019</p>	<p>Not within their consultation remit</p>
<p>Heritage & Conservation Officer</p> <p>Reply Received 5 September 2019</p>	<p>The Old Tannery comprises a complex of buildings of great historic significance, stretching south from East Street. The buildings, though not the field to the west, are within the South Molton Conservation Area, and the house to the north of the complex is listed grade II. The house has historically been connected to the buildings, being the residence of the owners, and the tannery buildings are considered to be curtilage listed. The tannery existed on the site since at least the beginning of the 19th century, and comprised the principal house, with stable, coach house and granary on the opposite side of the entrance drive, then the tannery buildings running down the plot to the south. The whole also included cottages for labourers with gardens and outbuildings. The complex changed hands at the end of the 19th century, and some of the older buildings were modernised, with new structures and machinery added. The tanning business ceased in the mid 20th century, but the premises have largely remained in light industrial use and are now a well preserved complex of an increasingly rare type.</p> <p>The proposal involves the conversion of the majority of the Tannery buildings to domestic use, and the construction of 7 new dwellings in the field to the west. I have been involved in extensive pre-</p>

application discussions about this scheme, and am satisfied that in general terms, the approach taken to conversion and new development is a reasonable compromise which allows the site to have a productive future use, whilst protecting the significance of this unique combination of heritage assets. I do have the following comments on the scheme:

SUMMARY:

1. The proposal involves some demolition of structures, some of which are historic and their loss is regrettable. To clarify, I have no objection to the demolition of the block buildings to the west of the pigsties, the roof over the tanpits, and the redbrick structures attached to this. I have expressed concern before about the complete removal of the garages in the centre west of the site, and am pleased to see that the southernmost element is now to be retained as a car port. I accept that the other garages to the north need to be removed in order to allow access to the rest of the site.

The buildings whose demolition I am most concerned about are the Bark Mill and Bark Shed structures to the south and east of the Finishing Shed. These structures had functions which were integral to the whole tanning process and therefore to the integrity of the whole complex....and it does not appear impossible that more of the structures could be retained, with the proposed functions incorporated.

2. Unit 14 Apple loft – (Old Finishing Shed in Historic Building Survey) retain roof structure unconverted including trusses, ties, purlins and ridges

3. Units 11, 12 and 13, the Nicholls Shed (Old Bark Shed in HBS) – retain king post roof trusses, in the west elevation would be preferable to retain cob infill sections with minimal openings as these are likely to pre-date the later buildings opposite.

4. Unit 10 the Hairstore – retain existing trusses in bat loft, clarify which louvres are to be retained intact – blocked behind – at least whole of west elevation.

5. Unit 9 the Lime Yard – query large new opening in east gable end

6. Units 2 – 8 The Tannery (incorporating single storey office (G), Warehouse (H), Tan Pits ground Floor (I), Old Engine Room and Boiler House to south (J), Finishing Shed above Tan Pits (K) and Bark Mill and Bark Shed (L) in HBS). See comment above regarding the Bark Mill and Sheds. Retain existing floor beams, retain more of existing central posts, retain floor boards, Queen post roof trusses and if possible winch on second floor of finishing shed. Retain infilled tan pits in floor area to west of this structure and central chimney. In the Old Office, unit 2, retain fireplaces and

	<p>chimney breast</p> <p>7. Unit 1 the Stables – retain roof trusses</p> <p>8. The existing louvres and historic windows on the buildings form part of the significance and as a principle should be retained</p> <p>9. The conversion of the existing buildings should be carried out using traditional materials, e.g. natural slate for the roofs, lime renders and mortars and timber or metal windows, metal rainwater goods and timber fascias. It would be preferable for the new houses also to have natural slate roofs, rather than tiles.</p>
<p>Housing Enabling Officer</p> <p>Reply Received 13 August 2019</p>	<p>The applicant's "Supporting Statement including Design and Access Statement" refers on page 13i to vacant building credit. It states - "In this case, it has been agreed with the LPA that the difference in floor space (approximately 12 sqm) has been deemed de minimis and therefore the basis of the Vacant Building Credits apply and no affordable housing has been proposed as part of this application".</p> <p>The site is within the development boundary in the Local Plan. The proposal for conversion of existing buildings to create 14 dwellings together with erection of 7 new dwellings would mean that 30% affordable housing provision would be required. However, Government guidance states that "National policy provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace."</p> <p>The applicant states that the proposed total floor space to be demolished is 881.29 square metres and the total floor space for the new buildings is 893.60 square metres. In accordance with the above, therefore, an affordable housing contribution may be required for the proposed increase in floor space.</p> <p>Please note that the proposed floor space figures need to include any usable space such as garages, attics, outbuildings, etc. that could at a future date be converted into living accommodation.</p> <p>If it is determined that affordable housing is required, please see below a calculation in accordance with Vacant Building Credit using the applicant's proposed floor space totals:-</p> <p>Demolitions as proposed - 881.29 square metres</p>

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	<p>New buildings as proposed - 893.60 square metres</p> <p>893.60 - 881.29 = 12.31 square metres</p> <p>12.31 is 1.37757% of 893.60. Vacant Building Credit would mean an off-site financial contribution of 1.37757% of the Council policy required number of affordable dwellings. Affordable housing required - 30% of 21 = 6.3. 1.37757% of 6.3 = 0.0867869.</p> <p>The greatest need for affordable dwellings in North Devon is 2 bedroom houses for social rent. Recent examples of sale prices of new build two bedroom houses in South Molton are above 172,000. Potential price that a registered housing provider would pay for a 2 bedroom house for social rent in South Molton - 60,200</p> <p>172,000 - 60,200 = 111,800</p> <p>0.0867869 of 111,800 = 9,703 off-site financial contribution required.</p>
<p>Landscaping & Countryside Officer</p> <p>Reply Received 4 September 2019</p>	<p>I concur with the conclusions of the Arboricultural Impact Assessment.</p> <p>16 In our opinion the current layout is not practicable or acceptable in arboricultural terms and requires significant revision, most particularly in relation to units 17 and 18 and the parking the spaces for units 19 and 20 and their access. Furthermore we consider the area of the site in the vicinity of the G1 trees, and certainly within the RPAs, would be much more suitable as an area of informal public open space rather than as gardens; this would minimise the risk of the trees incurring root damage during construction and avoid the potential for future conflict between the trees and the houses, it would also take away the need to prune the trees and avoid the need for rear access paths within the RPAs. There seems to be sufficient space on the site to achieve what would a better design in relation to the significant trees on or bordering the site.</p> <p>At present the application raises significant conflict with policy and I would suggest that we advise the agent that it might be appropriate to withdraw the application or take the opportunity to provide us with a significant revision and demonstrate how the tree constraints can be given due consideration and an alternative site layout proposed to enable the level of development proposed.</p> <p>The applicant has advised that the wrong AIA was submitted and related to an earlier version of the scheme. A revised AIA has been requested to reflect the scheme as submitted.</p>

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<p>Open Space Officer</p> <p>Reply Received 8 August 2019</p>	<p>An off-site contribution of £60,377 is requested. This application would generate and open space and green infrastructure requirement in accordance with policy DM10. I note the proposed site plan offers informal open space and allotments. Please can you provide the quantum's of these open space typologies so I can look to offset this. How will the open space be managed? Will a management company pick up this responsibility?</p>
<p>Open Space Officer</p>	<p>Views awaited in respect of updated open space schedules</p>
<p>Planning Policy Unit</p>	<p>No response</p>
<p>Recycling & Commercial Services</p>	<p>No response</p>
<p>South Molton Town Council</p> <p>Reply Received 20 August 2019</p>	<p>That this application be unanimously refused on the following grounds:</p> <ul style="list-style-type: none"> i) The negative overall impact on East Street with regard to access and traffic. ii) The loss of open space with the proposed new dwellings. <p>It was also unanimously RESOLVED that this application should be considered by the North Devon Council Planning Committee. It was pointed out by the Committee that the conversion of the existing buildings would be welcome on its own merit</p>
<p>South West Water</p> <p>Reply Received 9 August 2019</p>	<p>No Objections</p>
<p>Sustainability Officer</p> <p>Reply Received 21 August 2019</p>	<p>The submitted Ecological Impact Assessment (EcIA) details the results of previous habitat (2016) and bat surveys (2016/2018) and makes no recommendations for further survey work. The EcIA does not present an appropriate update on the outdated habitat and protected species surveys and therefore only the bat/bird surveys can be considered to reflect the current site condition. The EcIA should be reviewed in respect of the following:</p> <ul style="list-style-type: none"> • The EcIA concludes 'no evidence of otter <i>Lutra lutra</i> (EPS, SPI, DBAP) was found during the Site visit; however, records have been returned by DBRC of otter using the River Mole east of the Site which is connected to the Site via the brook along the southern Site boundary. The brook is unlikely to be used by otters for foraging as it is too small and shallow to contain fish or crustaceans, although amphibians may be present. It may be used for dispersal, as it provides connectivity through the town to meet the Nadric water and River Bray to the west of South Molton'. The

	<p>search for otter signs was undertaken in July 2016 although it is stated that the southern elevation of the Lime Yard, and the stretch of the brook that lies to the south of the building were inaccessible at the time of the surveys. Due to these limitations and that the survey is now over 3 years old it should be redone with full access to the brook as appropriate. Surveys should be up to date and ideally from the most recent survey season but this may vary depending on species.</p> <ul style="list-style-type: none">• The EclA also states that suitable habitats for Jersey Tiger Moth are common and widespread on the site but concludes that 'it is unlikely that high numbers of notable invertebrates are present'. Given the limited survey effort along the brook there is no clear justification presented to conclude that notable invertebrates are not present in significant numbers.• The EclA refers to the Hedgerow Regulations Survey (HRS) concluding that all hedgerows qualify as Habitats of Principle Importance (HPI) under Section 41 of the NERC Act 2006 but that none of the hedgerows on Site are "Important" under the Hedgerow Regulations 1997. The HRS records H1 as containing 7 woody species and therefore important. H1 is likely to come under significant pressure if it forms the western boundary of residential gardens as currently proposed. There are no landscape management prescriptions in place to ensure the long term condition of this important habitat and landscape feature is not degraded• No arboricultural impact assessment has been submitted and therefore it is unclear how onsite and boundary trees have been assessed. TPO Number 206: Land off Brook Meadow covers the area to the west, the entire western boundary feature and extends into the proposed site. The submitted Site Landscaping Plan identifies several tree protection zones but no substantiating information is provided. The EclA also identifies numerous trees along the western boundary with bat roost potential but states that 'no formal assessment of the trees was made; however, as part of the extended Phase 1 Habitat survey trees with potential roost features Potential Roost Features (PRFs) and nest/roost boxes were noted'.• The EclA concludes 'low to moderate suitability for bats' and that 'given the commuting and foraging corridor along the southern Site boundary, the concentration of low conservation roosts for common and widespread species alongside low conservation roosts for SPI, Annex II and DBAP species, the Site is considered to be of Local importance for bats'. Therefore alongside a European Protected Species (EPS) Licence numerous bat mitigation features are recommended. The EclA has not provided an appropriately detailed mitigation strategy for the LPA to conclude that NE is likely to issue an EPS licence or that it has met the three derogation tests for the loss of roosts and commuting/foraging corridors.
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	<p>The EclA makes numerous mitigation and compensation recommendations which are not adequately demonstrated under the current submission; submitted CEMP is insufficiently detailed; no Landscape and Ecological Management Plan (LEMP), no lighting strategy, no bat loft design and no reptile translocation strategy. Given the sensitive nature of the landscape and ecology on site I would suggest this information is required prior to determination of the current application and presented in an appropriately detailed CEMP and LEMP.</p> <p>The LEMP should be informed by a DEFRA metric 2 calculation of net losses and gains, and demonstrate at least a 10% net gain in biodiversity across the site. The LEMP will be required to provide detailed assessment of the difficulty of creation and restoration of all retained and enhanced landscape features. The LEMP will also secure the appropriate management and monitoring regime required to achieve all ecological and landscape objectives. A revised Site Landscaping Plan will be required to illustrate the specific mitigation and enhancement provisions contained within the LEMP.</p>
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Neighbours

Comments	No Objection	Object	Petition	No. Signatures
2	0	2	0	0

- Access onto East Street with limited visibility.
- Congestion issues on East Street
- On street parking issues and insufficient parking on site, displacement of parking by East Street residents.
- Impact on Root Protection area of existing trees
- Loss of green space
- Hours of work restrictions required
- Rights of access to 77 East Street and impact that occupiers may have on use of car port which requires a permanent solution

The latter point is primarily a civil matter which is being dealt with by the applicant separately. A formal boundary treatment has been requested.

Considerations

Proposal Description

This application seeks detailed planning permission for the following:

Conversion of the buildings into 14 residential units:

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- Unit 1 – The Stables: 3 bedrooms – 5 persons;
- Unit 2 – The Old Office (The Tannery): 3 Bedrooms – 6 persons;
- Unit 3 – The Tannery: 3 Bedrooms – 6 persons;
- Unit 4 – The Tannery: 3 Bedrooms – 6 persons;
- Unit 5 – The Tannery: 3 Bedrooms – 6 persons;
- Unit 6 – The Tannery: 2 Bedrooms - 4 persons;
- Unit 7 – The Tannery: 3 Bedrooms – 6 persons;
- Unit 8 – The Tannery: 3 Bedrooms – 6 persons;
- Unit 9 – The Lime Yard: 3 Bedrooms – 6 persons;
- Unit 10 – The Hairstone: 4 Bedrooms – 8 persons;
- Unit 11 – The Nicholls Shed: 3 Bedrooms – 6 persons;
- Unit 12 – The Nicholls Shed: 3 Bedrooms – 5 persons;
- Unit 13 – The Nicholls Shed: 2 Bedrooms – 4 persons;
- Unit 14 – The Apple Loft: 3 Bedrooms – 5 persons;

The erection of 7 two storey dwellings, constructed of render/red brick/stone walls under slate pitched roofs. The proposed schedule of accommodation is as follows:

- Unit 15 – New dwelling: 3 Bedrooms – 5 persons;
- Unit 16 – New dwelling: 2 Bedrooms – 4 persons;
- Unit 17 – New dwelling: 3 Bedrooms – 5 persons;
- Unit 18 – New dwelling: 3 Bedrooms – 5 persons;
- Unit 19 – New dwelling: 3 Bedrooms – 5 persons;
- Unit 20 – New dwelling: 3 Bedrooms – 5 persons;
- Unit 21 – New dwelling: 4 Bedrooms – 7 persons.

To facilitate the development there will be a new internal driveway to access the proposed dwellings and to comply with fire requirements.

Two parking spaces are shown for each new dwelling plus two visitor spaces. There will be 1 space each for number 77 and 77a with an internal path allowing access to the rear of no 77.

The layout plan shows the provision of private garden areas for the 7 new build units and 9 of the converted units and green space to serve the site generally. Informal Open Space will amount to 1558 sqm and Allotments will amount to 620 sqm. These areas and the internal roads and paths will be managed by a Management Company.

The following information has been provided:

- Statement of Community Involvement
- Historic Building Survey and Desk-Based Assessment
- Structural Inspection Report
- Regeneration Statement
- Affordable Housing Statement
- Crime and Disorder Statement
- Phase 2 Geotechnical Investigation and Contamination Assessment
- Arboricultural Constraints Report (revised report awaited)

- Ecology Report (revisions requested)
- External Lighting Statement
- Sustainability / Renewable Energy Statement
- Waste Audit

At the request of consultees a range of revisions are being sought to some of the above documents. It is anticipated that these will be received in time for the Planning Committee. If not delegated authority will be sought to resolve any outstanding issue which are considered matters of detail which do not go to the heart of the decision.

Planning Considerations Summary

- Principle of development
- Impact on Heritage Assets
- Design
- Ecology
- Landscaping
- Amenity
- Highway Access
- Parking
- Drainage
- Infrastructure – Heads of Terms

Planning Considerations

Section 38 of the Planning & Compulsory Purchase Act 2004 states that the determination of any planning application should be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for this area includes the Devon Waste Plan and North Devon and Torridge Local Plan. The relevant Policies are detailed above.

The National Planning Policy Framework (NPPF) is a material consideration.

- **Principle of development**

The site as a whole is within the defined development boundary or South Molton where policy ST07 indicates that 'development will be enabled'. The principle of new build residential development is therefore supported subject to the application of development management policies.

The scheme splits into the conversion of the existing complex of buildings and an element of new build.

Whilst policy DM27 primarily relates to *rural buildings* it does provide general guidance which is useful when considering this scheme. Para 13.144 states:

The conversion should be undertaken in a *sympathetic manner* which retains important aspects of the *original character* and any *distinctive elements* of the

building's design. The conversion must ensure that the immediate *setting* of the building is enhanced. Development proposals should pay particular regard to matters such as highway access, landscaping, means of enclosure and the provision of domestic paraphernalia to ensure that these are designed in such a manner so as to offer a positive contribution to the setting of the building and not detract from the wider rural character of the countryside.

In that the adopted NDTLP is silent on conversions within urban areas, the NPPF states at para 148 that the planning system should '*encourage the reuse of existing resources, including the conversion of existing buildings*'. Again there is no in principle objection to the conversion of the complex to a residential scheme. The details of the conversion will be discussed below.

- **Impact on Heritage Assets**

77 East Street is a Grade 11 listed building. The house has historically been connected to the buildings, being the residence of the owners, and the tannery buildings are therefore considered to be curtilage listed. A further Grade 11 listed building known as Carisbrook is 50m to the west. In considering whether to grant planning permission which affects a listed building or its setting the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possesses in accordance with Section 66 of the Listed Building Act. An accompanying listed building application is also under consideration.

The site is within the designated South Molton Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states a general duty of a Local Planning Authority as respects conservation areas in exercise of planning functions which is that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The scheme has been through a thorough pre-application process and as indicated by the Conservation Officer '*that in general terms, the approach taken to conversion and new development is a reasonable compromise which allows the site to have a productive future use, whilst protecting the significance of this unique combination of heritage assets*'. The works are not considered to adversely affect the setting of any listed Heritage Asset and are not conflict with the character of the Conservation Area. Again there are no *in principle* concerns in respect to either the conversion scheme or the element of new building and no conflict with policies DM07 and ST15. Additional recording work has been commissioned to address the comments of the Devon County Council's Archaeologist. This would be in accordance with Policy DM07 and paragraphs 189 and 199 of the National Planning Policy Framework (2018).

The separate listed building application (70263) looks in significant detail at how the actual works of conversion will be undertaken by identifying those structural elements that are to be retained/repared etc. The points (1-9) made by the Conservation Officer within the consultee section of this report primarily relate to the Listed Building Application but are copied in full for transparency. This listed building application is still under negotiation to ensure that the schedule of works minimises the harm to the listed tannery through a careful detailing of all items such purlins, roof trusses, floorboards,

window repairs etc. This application has not been scheduled for Committee review in agreement with the Ward Member and will be dealt with under delegated powers once the principle of the works has been established.

There is one part of the site that is still under debate which is shown as being used for car parking (point 1). It is the detail of how this car parking area is to be enclosed that is in dispute not its overall use which remains as car parking. As this does not materially impact on the decision that needs to be taken in respect of this application (albeit the works are shown on the plans), this one element will require delegation to resolve.

- **Design**

The scheme will result in the removal of a significant amount of commercial floorspace (881.29 square metres). This ranges from the demolition of a very dilapidated piggery building to open span buildings that cover or link parts of the site. It is accepted that the removal of the majority of these buildings is required to facilitate the conversion scheme and to allow day light into the proposed residential units. The removal of some of these structures will reveal the architectural form of the tannery, parts of which are hidden behind some unsympathetic single storey corrugated clad lean to's. The future of one building referred to above is still under discussion.

Generally the subdivisions utilise existing openings and provide minimal impact on the fabric of the curtilage listed building. With controls over materials and conditions relating to scheme detailing the proposal is considered acceptable in design terms and is a sympathetic reuse of the building safeguarding its future in line with policy DM04.

The new build units are designed in the form of a terrace with roof breaks dropping the units down the site. The units are also distinguished by their outer fabric which includes brick, render and stone. Visually they will link the lower conversion scheme to the top of the site and provide a form of development found in East Street. The scale of the buildings is appropriate and will not impact on the setting of the curtilage listed buildings.

A mix of outbuildings are being retained and converted into ancillary domestic storage thus retaining features of character within the site but providing them with a future use to ensure their longevity.

The developer has adopted a "fabric first" approach, with a well-insulated timber frame construction within the existing buildings to ensure dwellings meet the appropriate building regulations requirement in terms of thermal performance.

- **Amenity**

The relationship to existing properties has been considered. Numbers 77 and 77a East Street at the front of the site will continue to face the existing Tannery outbuildings. No significant impact on amenity is considered to result from the use of the buildings as dwellings as opposed to light industrial/offices.

The removal of industrial uses within this primarily residential area should result in a net betterment to local amenity.

With regards to other properties in East Street, the change in levels and the separation distances are such that no adverse impact is perceived. The end elevation of Unit 15 is 23m from the site boundary so wall to wall separation distances with existing properties are considered acceptable.

The layout provides generous areas of open space accessible to all units.

With controls over construction management/contamination/removal of any asbestos (if identified) no adverse amenity impact is considered to result from the development in line with policies DM01, DM02, DM03.

- **Ecology**

Local Planning Authorities have a statutory duty to ensure that the impact of development on wildlife is fully considered during the determination of a planning application under the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, The Conservation of Habitats and Species Regulations 2017 (Habitats Regulations 2017).

The submitted Ecology Report indicates that the development will result in the loss of 24.5m species-poor hedgerow (local significance), 10 non-breeding bat roost of low conservation significance, one dispersal/satellite roost of (low-moderate conservation significance), approximately 4,295m² of improved grassland/tall ruderal vegetation which is of low botanical value, but provides habitat of up to Local significance for notable and protected species. The detail requires refinement.

The following mitigation and compensation measures have been proposed to minimise impacts on important ecological features:

- Protection of retained habitats during construction as detailed within a Construction Environmental Management Plan;
- Retained and new habitats managed according to a Landscape and Ecological Management Plan;
- Lighting restrictions during construction and operation to avoid fragmentation of bat commuting habitat;
- Building and layout design to minimise light-spill on to the brook, Site boundaries and retained habitats;
- Provision of 10 bat boxes and one specifically designed bat loft, 20 bird boxes and two reptile hibernaculum;
- Careful timing of works and appropriate methods of vegetation removal to avoid harm to notable and protected species;
- A Mitigation Strategy for the translocation of reptiles prior to construction will be provided and implemented; and,
- Additional planting will ensure the brook habitat is buffered to avoid disturbance/ degradation of habitat.
- Additional recommendations have been provided in order to enhance the Site for biodiversity post-development.

The report concludes that *'overall, the development will result in a net gain on biodiversity, provided the mitigation is undertaken in accordance with this report'*.

In line with the comments of the Sustainability Officer revisions are being made to the EclA and the CEMP/LEMP to include the lighting strategy, bat loft design and reptile translocation strategy. If not received prior to the Planning Committee delegated authority will be sought to finalise these details to secure a scheme in line with policies DM08 and ST14.

- **Landscaping**

The revised Arboricultural Impact Assessment will address impact on existing mature trees and hedgerows. A detailed hard and soft landscaping plan ensures that the site will acceptably landscaped albeit revisions will be required to ensure that there is a net biodiversity gain. Again details using the DEFRA metric have been requested.

Additional defensive planting will be shown on the revised layout plan as requested by the Designing Out Crime Officer.

The site provides an extensive amount of on-site open space. The Town Council have recommended refusal of the application on the basis of 'loss of open space'. Policy DM09 protects existing green infrastructure (defined as allotments, amenity and natural greenspace, play space, parks sports and recreational grounds). This land is a paddock and is not dedicated or protected as open space. It is open land with in the development boundary which is in private ownership with no public access. There is no sound reason to refuse the application on the basis suggested by the Town Council.

The scheme is providing on site open space in line with policy DM10 and any shortfall will be met by an off-site financial contribution.

- **Highway Access**

The key reason for referring this application to the Planning Committee is the site access. DCC as Highway Authority were integral to pre-application discussions. As set out in their consultation response no 'in principle' issues are raised.

The proposal would result in the reuse of existing buildings and land that already generates a level of traffic similar to or higher than that which will result from the proposed dwellings. DCC therefore have no objection to the proposal on traffic impact grounds. The site has been used for a variety of commercial uses including car repairs (which was still at active use during the pre-application stage). It is accepted that in recent years activities has lessened due to the applicant's circumstances. The starting point for considering traffic movements is an assessment of the scale of use of the 2034sqm that could occur without planning permission. A residential scheme is considered to equate to but not exceed the likely traffic from a full employment use. The associated reports conclude that the scale of development proposed would not impact on peak hour flows.

It is accepted that visibility at the site entrance is substandard but it has been used for many years by the traffic associated with the Tannery (car repair use/light industrial

uses/warehousing/car parking etc). This is not an instance where a new road is being provided which can be designed to modern standards. The existing access is being retained. DCC identify a 'lack of vehicle collisions recorded here in the past' which when taken in combination with the existing use of the site, the future situation would be likely to see less traffic using this access than previously, and therefore a **potential improvement in highway safety**. The site access cannot be improved without major demolition which would have a substantial impact on either listed buildings or heritage assets in the Conservation Area. In light of the advice provided by DCC, the continued use of the junction would not result in a sustainable or defensible reason for refusal.

The internal road will not be suitable for adoption as public highway due to its narrow layout and likely level of contamination which would need to be removed entirely and rebuilt for the road to be adopted. For the avoidance of doubt, this is not a reason to refuse the planning application. The applicant has confirmed that all internal routes will be managed through a Management Company. This is not an unusual scenario and is the situation as now albeit the site is in one ownership.

To ensure that there is safe and suitable access between the site and the facilities within the town for all people, DCC require the dropped crossing footway at the site entrance is remade properly and the (two) steps in the footway to the left of the entrance (on exiting) are removed and a non-stepped footway provided. The applicant is agreeable to such works. With the above improvements the site will be within easy walking distance of shops and other facilities (437m to the medical centre in East Street) within the town as well as bus services to other locations. The site is considered to be sustainably located within the development boundary.

There is potential to provide a 'future footpath link' adjacent to plots 10 & 21 on the southern boundary to link into the footpath at Brook Meadow which would add to the choice of routes available for leisure and could be used by children to walk to school etc. Lighting would need careful consideration. In that the route will not connect to public land whilst desirable it is not essential to make the development acceptable.

The North Devon Local Plan Policy DM05: Highways states:

- (1) All development must ensure safe and well-designed vehicular access and egress, adequate parking and layouts which consider the needs and accessibility of all highway users including cyclists and pedestrians.
- (2) All development shall protect and enhance existing public rights of way, footways, cycleways and bridleways and facilitate improvements to existing or provide new connections to these routes where practical to do so.

Para 109 of the NPPF states that:

Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The threshold test for severe impact on the highway network has not been met. The scheme will provide improvements to pedestrian connectivity by removing the steps in

the pavement. Given the advice of DCC as Highways Authority it is considered that the application does not conflict with Policy DM05.

- **Parking**

Policy DM06: Parking Provision

(1) Development proposals will be expected to provide an appropriate scale and range of parking provision to meet anticipated needs, having regard to the:

- (a) accessibility and sustainability of the site;
- (b) availability of public transport;
- (c) provision of safe walking and cycling routes; and
- (d) specific scale, type and mix of development.

(2) Proposals must encourage the use of sustainable modes of transport through careful design, layout and integration to the existing built form.

The layout provides two car parking spaces per unit with provision for the existing dwellings and two visitor spaces. The Local Plan does not specify a standard albeit it has always been accepted that as South Molton is rural that two car parking spaces per property is a reasonable requirement. In this instance given the size of the units two spaces are considered essential. The site is only a short walk from Town Centre facilities so cycle and pedestrian use is easily achievable.

It is understood that some local residents rent car parking spaces on the site. This was part of the commercial use of the Tannery. There is no obligation on a private landowner to make provision for car parking for third parties. South Molton has limited on road car parking due to the nature of the Town. Again this would not be a reason to refuse this planning application.

Car Charging Points have been provided where possible. There is no conflict with DM06.

- **Drainage**

Given the proximity of the Brook it is important to ensure that surface water runoff is controlled to greenfield run off rates so as not to cause any issues downstream. Additional information has been requested from DCC as Lead Local Flood Authority. This has been commissioned.

- **Infrastructure – Heads of Terms**

Affordable Housing:

Para 63 of the NPPF states that in order 'To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount'. Vacant building credit was therefore introduced to promote development on brownfield sites. It allows the floorspace of existing buildings to be offset against the calculations for section 106 affordable housing requirements. In this case the Demolitions amount to 881.29 and

New Building 893.60. The resultant request (which is set out within the consultation response of Housing Enabling) is **£9,703**.

Education

DCC as Education Authority have requested:

- Primary school **£71,673**
- Secondary school **£69,051**
- Early Years provision **£5,250**

Off-site POS

£60,377 (revised calculation awaited to take into account the onsite provision)

Management Company

To be responsible for all on site open space, the roads and footpaths and on site drainage.

At the time of writing this report discussions were on going about the Heads of Terms. The outcome will be reported to the meeting.

Conclusion

The Tannery is a unique complex of buildings within South Molton. This scheme provides a sympathetic reuse of this heritage asset contributing to housing supply and economic investment. The additional units of new build result in a layout that will complement the existing housing form in the Conservation Area and which can be provided with adequate amenity space, car parking and access to open space with no impact on amenity or the setting of heritage assets.

The identified concerns about the continued use of the existing access onto East Street have been carefully considered but the tests of severe harm are not met. The access visibility is accepted as being below standard but this access could still be used for the same amount of traffic if the site continued in commercial use. The site is in a very sustainable location being only a short walk away from town centre facilities.

The application is considered to accord with the adopted development plan and results in the redevelopment of a brown field site. Approval of the application is therefore recommended subject to the imposition of planning conditions and Section 106.

HUMAN RIGHTS ACT 1998

The provisions of the Human Rights Act and principles contained in the Convention on Human Rights have been taken into account in reaching the recommendation contained in this report. The articles/protocols identified below were considered of particular relevance:

Article 8 – Right to Respect for Private and Family Life
THE FIRST PROTOCOL – Article 1: Protection of Property

Recommendation

Approve

Legal Agreement Required:- Yes

Delegated authority is sought to resolve those issues identified in the report that are awaiting clarification and to apply appropriate conditions as required by the consultees to address the issues raised.

Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason :

The time limit condition is imposed in order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following approved plans/details:
To be confirmed ('the approved plans').

Reason:

To ensure the development is carried out in accordance with the approved plans in the interests of proper planning.

3. The proposed development shall be constructed in accordance with the following schedule of materials natural slate for the roofs, lime renders and mortars and timber or metal windows, metal rainwater goods and timber fascias.

Reason:

In the interests of the appearance of the development and locality in accordance with Policy DM04 of the North Devon and Torridge Local Plan.

4. The site access road shall be hardened, surfaced, drained and maintained thereafter for a distance of not less than six metres back from its junction with the public highway

Reason:

To prevent mud and other debris being carried onto the public highway

5. Prior to the occupation of any dwelling on the site, the footway across the existing site entrance shall be remade to a modern standard and the steps in the footway west of the site access shall be removed and replaced with a footway.

Reason:

To provide safe and suitable access to the site for all people.

6. Contaminated Land Condition - Remediation

(a) Prior to the commencement of the development hereby permitted a remediation scheme, together with a timetable of works, shall be submitted to and approved in writing by the Local Planning Authority. The Local Planning Authority shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters. The remediation scheme shall be prepared by a suitably qualified and accredited consultant/contractor in accordance with recognised standards and guidance.

Prior to occupation of the buildings hereby permitted:

(b) Approved remediation works shall be carried out in full on site under a Quality Assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. If during the works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority in writing.

(c) A verification report shall be submitted to and approved in writing by the Local Planning Authority. The verification report shall include details of the proposed remediation works and Quality Assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the verification report together with the necessary waste transfer documentation detailing any waste materials that have been removed from the site.

(d) A certificate signed by the developer shall be submitted to the Local Planning Authority confirming that the appropriate works have been undertaken as detailed in the verification report.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with the National Planning Policy Framework.

7. Construction Environmental Management Plan Condition – **details requested which may remove need for condition**

Prior to the commencement of development, including any site clearance,

Agenda Item 6

groundworks or construction within each sub-phase (save such preliminary or minor works that the Local Planning Authority may agree in writing), a Construction Environmental Management Plan (CEMP) to manage the impacts of construction during the life of the works, shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt and where relevant, the CEMP shall include:-

- a) measures to regulate the routing of construction traffic;
- b) the times within which traffic can enter and leave the site;
- c) details of any significant importation or movement of spoil and soil on site;
- d) details of the removal /disposal of materials from site, including soil and vegetation;
- e) the location and covering of stockpiles;
- f) details of measures to prevent mud from vehicles leaving the site / wheel-washing facilities;
- g) control of fugitive dust from demolition, earthworks and construction activities; dust suppression;
- h) a noise control plan which details hours of operation and proposed mitigation measures;
- i) location of any site construction office, compound and ancillary facility buildings;
- j) specified on-site parking for vehicles associated with the construction works and the provision made for access thereto;
- k) a point of contact (such as a Construction Liaison Officer/site manager) and details of how complaints will be addressed;
- l) details of an asbestos survey and risk assessment for the site with safe working procedures as relevant.

The details so approved and any subsequent amendments as shall be agreed in writing by the Local Planning Authority shall be complied with in full and monitored by the applicants to ensure continuing compliance during the construction of the development.

Reason:

To minimise the impact of the works during the construction of the development in the interests of highway safety and the free-flow of traffic, and to safeguard the amenities of the area. To protect the health and amenity of local residents from potential impacts whilst site clearance, groundworks and construction is underway.

8. Construction Hours Condition

During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or dispatched from the site outside the following times:

- a) Monday - Friday 07.00 - 19.00,
- b) Saturday 09.00 - 13.00
- c) nor at any time on Sunday, Bank or Public holidays.

Reason:

To protect the amenity of local residents

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order revoking and re-enacting that Order) express planning permission shall be obtained for any development within class(es) ***** of Part 1 and/or class(es) ***** of Part 2 of Schedule Two of the Order.

Reason :

To allow the Local Planning Authority to consider the impact of future development on the appearance and character of the development in the area/neighbouring amenity/highway safety in accordance with the requirements of Policies DM04/DM01/DM05 of the North Devon and Torridge Local Plan.

Informatives

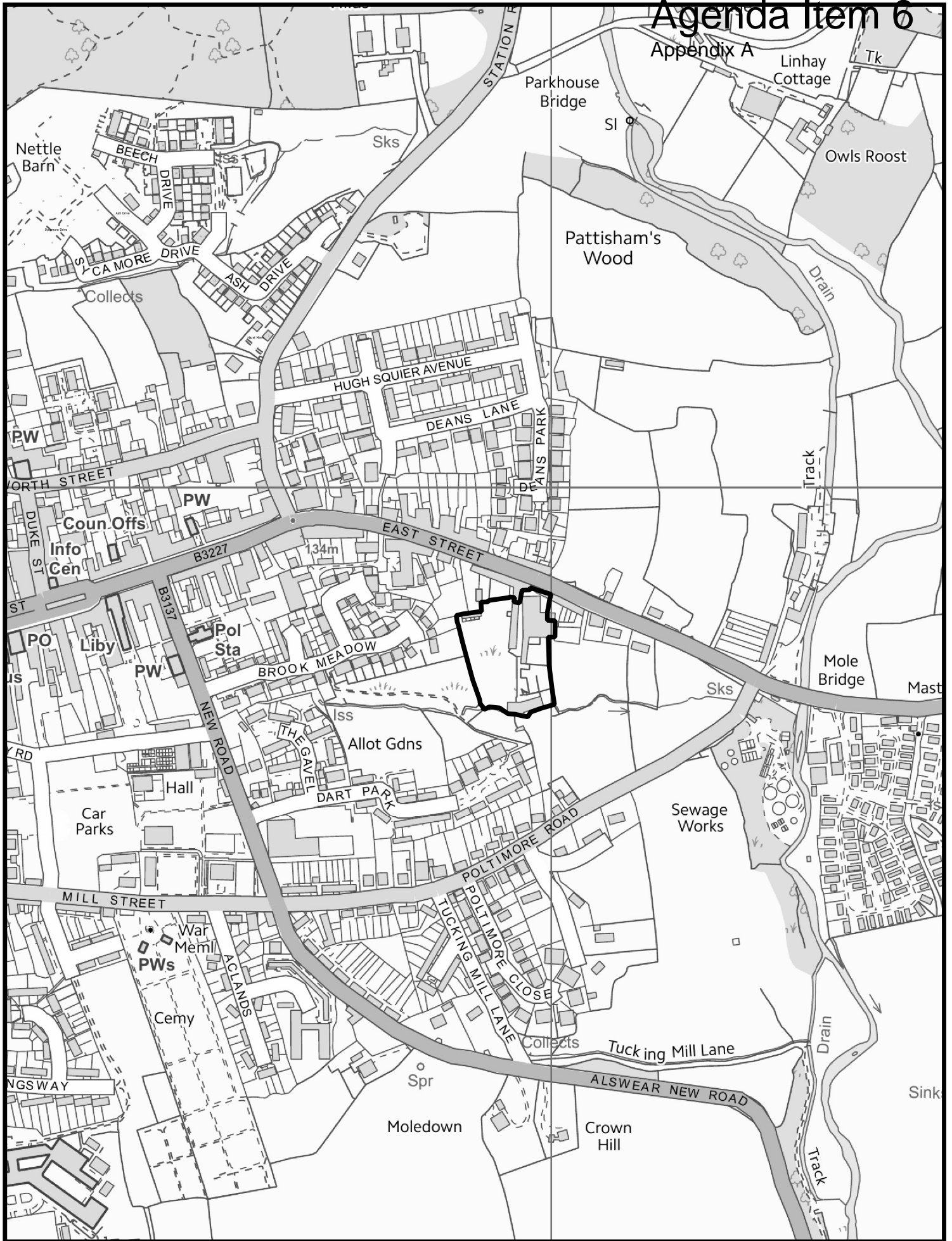
1. APC charges will therefore apply under section 219 of the Highways Act until an exemption from these can be found as set out in part 4 of that section of the Act.

Inserts

O.S. Location Plan

List of representations names and addresses

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70262 - Old Tannery, South Molton

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Neighbour Representation List for Application 70262

2 OBJECTIONS

MR AND MRS WHITE	40 BROOK MEADOW SOUTH MOLTON EX36 4BN	Date Received 27- August-19
MR & MRS PROBERT	78 EAST STREET SOUTH MOLTON EX36 3DQ	Date Received 27-August-19

2 COMMENTS

SUE BARR	38 BROOK MEADOW SOUTH MOLTON EX36 4BN	Date Received 02-September-19
P C JONES	82 EAST STREET SOUTH MOLTON EX36 3DQ	Date Received 11-September 2019

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Application Report

Strategic Development & Planning
Place Services
North Devon Council
Lynton House, Commercial Road,
Barnstaple, EX31 1DG



Application No:	70265	Application Expiry:	4 October 2019
Application Type:	Full application	Ext Of Time Expiry:	
		Publicity Expiry:	11 September 2019
Parish/Ward:	COMBE MARTIN/COMBE MARTIN		
Location:	Lion House Victoria Street Combe Martin Ilfracombe Devon EX34 0LZ		
Proposal:	Retrospective Application for Change of Use from Dwelling (Use Class C3) to Bed & Breakfast (Use Class C1)		
Agent:	Mr Andrew Bates		
Applicant:	Mr Andrew Bates		
Planning Case Officer:	Mrs J Meakins		
Departure:	N		
EIA Development:	N	EIA Conclusion:	NO EIA REQUIRED. Please issue relevant letter to applicant / agent.
Decision Level/Reason for Report to Committee (If Applicable): The application has been called in by Ward Member Councillor Gubb for Members to consider the highway impacts of the development.		Committee	

Reason for Call in and Committee Site Inspection

The application has been called in by Ward Member Councillor Gubb for Members to consider the highway impacts of the development.

At the discretion of the Head of Place, a site visit took place on 4th October 2019 to allow Councillors to observe the context of the development in relation to the road network in order to be able to assess the suitability of the highway access onto Kiln Lane and the A399.

Site Description

The site is located in the village of Combe Martin and consists of an existing terrace property which was in residential use (C3 use) prior to the current use as a Guest House (C1 Use) being introduced (which is currently unauthorised). The property fronts Victoria Street to the north, with parking and access to the west of the site accessed via Kiln Lane. The property is stone faced, with render quoins with canted bay window at first floor level. The building is flanked to the east and west by existing residential properties.

Recommendation:

Refused

Legal Agreement Required:- No

Planning History

Planning	Decision	Decision Date
31771	FULL PLANNING APPROVAL	19 October 2001
Proposal:CHANGE OF USE FROM PUBLIC HOUSE TO RESIDENTIAL TO FORM 2 NO. DWELLINGS		
53133	CERT. OF LAWFULNESS ISSUED	15 May 2012
Proposal:APPLICATION FOR A LAWFUL DEVELOPMENT CERTIFICATE FOR EXISTING USE AS RESIDENTIAL DWELLING IN BREACH OF PLANNING CONDITION		
54557	FULL PLANNING APPROVAL	10 October 2012
Proposal:ERECTION OF DOUBLE GARAGE WITH WORKSHOP		
66183	Withdrawn	19 July 2019
Proposal:RETROSPECTIVE APPLICATION FOR CHANGE OF USE FROM DWELLING (USE CLASS C3) TO BED & BREAKFAST (USE CLASS C1)		

Constraints/Planning Policy

Constraint / Local Plan Policy

Advert Control Area Combe Martin
 Within Flood Zone 2
 Within Flood Zone 3

Distance (Metres)

Within constraint
 Within constraint
 Within constraint

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Advert Control Area Area of Special Advert Control	Within constraint
Planning Officer Area: North Team	Within constraint
Chivenor Safeguard Zone Consultation	Within constraint
Structure or works exceeding 91.4m	
SSSI Impact Risk Consultation	Within constraint
Within Adopted AONB (ST09 & ST14)	Within constraint
Within Adopted Coast and Estuary Zone	Within constraint
Landscape Character is: 4C Coastal Slopes and Combes with Settlement	Within constraint
Within 100m of Adopted Heritage Coast	Within constraint
Within Adopted Unesco Biosphere Transition (ST14)	Within constraint

ST07 Spatial Development Strategy for Northern Devon's Rural Area
 ST10 Transport Strategy
 ST14 Enhancing Environmental Assets
 DM01 Amenity Considerations
 DM02 Environmental Protection
 DM04 Design Principles
 DM05 Highways
 DM06 Parking Provision
 DM08 Biodiversity and Geodiversity
 DM08A Landscape and Seascape Character
 DM18 Tourism Accommodation
 CMA Combe Martin Spatial Strategy

Consultees

Name	Comment
Combe Martin Parish Council Reply Received 12 September 2019	CMPC supports this application.
DCC - Development Management Highways	No reply received to current application. Comments from identical withdrawn application 66183 copied below. 1) The proposed development is likely to result in an increase in the volume of traffic entering and leaving the Class I County Road, the A399, through junctions that do not provide adequate visibility from and of emerging vehicles, with consequent risk of additional danger to all users of that road and interference with the free flow of traffic. 2) The horizontal alignment, and gradient, of the junctions onto the A399, are likely to result in excessive manoeuvring on the highway, with consequent risk of additional danger to all users of the road. 3) The road providing access to the car park is, by reason of its inadequate width, horizontal alignment, gradient, junctions and lack of footway provision, unsuitable to

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	accommodate the increase in traffic likely to be generated.
Environment Agency	No flood risk impacts
Environmental Health Manager Reply Received 23 September 2019	I have reviewed this retrospective application in relation to Environmental Protection matters and comment as follows: 1 External Plant The proposals and plans submitted do not currently include proposals for the installation of external plant, for example relating to heating, ventilation and air conditioning equipment or to a commercial kitchen ventilation system. I recommend that any proposed installation of external plant or equipment require the prior approval of the Local Planning Authority in order to provide an opportunity for potential noise or other impacts to be considered. I recommend a condition to this effect be imposed on any permission.
South West Water	No impacts to SWW infrastructure.
Wildlife Trigger List	See planning considerations.

Neighbours

Comments	No Objection	Object	Petition	No. Signatures
<u>0.00</u>	<u>1</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>

One letter of support had been received at the time of preparing the report. The representation advised no disturbance has been experienced from the use and supports the use of the car park given the historic public house use.

Considerations

Proposal Description

This application seeks retrospective planning permission for the change of use from a dwelling (falling within a C3 use) to a Bed and Breakfast Guest House (falling within a C1 use).

The use utilises 4 of the 5 bedrooms as guest rooms, with one remaining for the owner accommodation. The change of use does not require any operational development. A car park serving the site is located off of Kiln Lane to the west of the site.

Planning Considerations Summary

The main considerations in the determination of the application are:

- Principle of development
- Design
- Highway considerations
- Amenity
- Ecology

Planning Considerations

Principle of development

In the determination of a planning application Section 38 of the Planning & Compulsory Purchase Act 2004 is relevant. It states that for the purpose of any determination to be made under the planning Acts, the determination is to be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for this area includes the Devon Waste Plan and North Devon and Torridge Local Plan. The relevant Policies are detailed above.

The National Planning Policy Framework (NPPF) is a material consideration.

The site is located within the development boundary for Combe Martin which is identified as a Local Centre by Policy ST07 of the North Devon and Torridge Local Plan (NDTLP). Development in Local Centres *'will be supported in accordance with the Local Spatial Strategy, to enhance the sustainability of the locally important service centres and to enable wider than local needs to be met.'*

Combe Martin's Spatial Strategy (Policy CMA) at (d) seeks to protect and increase local employment opportunities by encouraging small businesses and protecting tourism facilities. The introduction of a small scale quest house would be consistent with the above.

Policy DM18 further expands upon the requirements for new tourism development in the area stating:

'(1) Development of new, and expansion or rationalisation of existing tourism accommodation will be supported within the Sub-regional, Strategic, Main and Local Centres where it:

(a) improves the quality or increases the diversity of northern Devon's tourism offer;

(b) is located and designed to protect and enhance the character and setting of the settlement; and

(c) any rationalisation would facilitate the retention or improvement of the tourism accommodation.'

Again, the provision of a small scale guest house within the Local Centre is considered to improve the quality and diversity of the tourism offer and its location, within the existing centre not requiring any operational development clearly protects the local character of the area.

As such, the development meets the above principle of development in terms of Policies ST07, CMA and DM18, however falls to be assessed against the other development management criteria of the development pan.

Design

In terms of design, the change of use has required no physical changes to the exterior of the building, which has a well maintained façade which makes a positive contribution to this part of the settlement. Given there are no exterior changes, the development maintains the character and appearance of the area, including that of the Area of Outstanding Natural Beauty in which it is located. As such it would comply with Policies DM04, DM08A and DM18 of the NDTLP and design and landscape objectives of the NPPF.

Highway Considerations

The vehicle access to the site is from Kiln Lane then accessing Victoria Street which is the A399 which runs through from Combe Martin to Blackmoor Gate. There are two accesses from Kiln Lane onto the A399, with a central island and stone wall running parallel to the A399 and each access providing entry or exit in both directions with no restrictions imposed. This is also at an acute angle with challenging gradient. The accesses from Kiln Lane to the A399 provide for a single car width only and are of a steep gradient. The position of the wall adjacent the A399 also prevents visibility in either direction requiring road users to use side mirrors and encroachment onto the highway to seek visibility on the carriageway of an A class road.

The change of use would increase car movements from the site from a single dwelling with 6-8 movements a days to a worst case scenario of 32 movements per days (based on a lower maximum of 4-6 movements for a tourist visitor). It is acknowledged that visitors to the site may arrive by public transport with a regular bus service through Combe Martin but given the dispersed nature of visitor attractions in the North Devon area, it is likely that the majority of visitors would arrive by car. There are considered to be sufficient numbers of parking spaces in accordance with Policy DM06 of the NDTLP.

It is acknowledged that Lion House, used to be a public house and the car park serving the guest house is the former pub car park. This is however a historic use, with consent having been granted for a change of use to a dwelling in 2001 and therefore whilst this could be treated as a material consideration, in this instance given the passage of 18 years it is given very limited weight in the determination of this application.

In consultation with the Highway Authority on the earlier withdrawn application the following strong objection was maintained, albeit no response has been received to the current scheme at the time of preparing the report:

'1) The proposed development is likely to result in an increase in the volume of traffic entering and leaving the Class I County Road, the A399, through junctions that do not provide adequate visibility from and of emerging vehicles, with consequent risk of additional danger to all users of that road and interference with the free flow of traffic.'

2) The horizontal alignment, and gradient, of the junctions onto the A399, are likely to result in excessive manoeuvring on the highway, with consequent risk of additional danger to all users of the road.

3) The road providing access to the car park is, by reason of its inadequate width, horizontal alignment, gradient, junctions and lack of footway provision, unsuitable to accommodate the increase in traffic likely to be generated.'

This view is further reinforced by a dismissed appeal for a new dwelling with access off of Kiln Lane (NDC Ref: 58748, appeal ref: APP/X1118/W/15/3024157).

The relevant paragraphs of the appeal are copied below:

'13. This junction is unusual and, contrary to the appellant's view, is atypical of many other junctions within the area or within wider rural locations more generally. Firstly, Kiln Lane joins the A399 at a very steep, rising gradient. Secondly, the road at this point splits, with two limbs freely available to traffic moving in both directions but in each case with carriageways of single-width proportions and the potential for vehicle conflict in each. Each limb joins the main road at a severely acute angle. Finally, the south side of the A399 is bound by a retaining wall. Due to the topography of the land this rises to well over 3m in height when seen from Kiln Lane on the approach to the main road. The combined result of all these factors is that either exit from Kiln Lane onto the A399 involves a manoeuvre in either direction that is difficult because of the gradient, but also made considerably more so by the severe lack of visibility in one direction in each case due to the angle of the roads' intersections and the physical presence of the retaining wall. This was a manoeuvre I did for myself along both limbs of Kiln Lane. I found that when leaving the lane to travel west, using the left hand fork, visibility east, towards approaching traffic on the nearside carriageway was severely hampered and achieved mostly through the use of the car's wing mirror. In the opposite direction there was similarly restricted visibility towards approaching traffic in the furthest carriageway. In each case the visibility was well short of the 43m normally recommended by Manual for Streets for vehicles travelling along the primary route at 30mph. By the same score I saw that, when travelling in either direction along the A399, there was little opportunity to gain any advanced sight of a vehicle emerging into the flow of traffic from Kiln Lane.

14. Kiln Lane is obviously already used by an array of traffic that serves existing dwellings and other uses along its length. The appellant puts existing traffic movements through the junction as between 12 to 30 movements per day. This figure has not been disputed by the Council and I have no reason to disagree with it. The number of traffic movements likely to be associated with a new dwelling is agreed by both parties at between 6-8 movements per day. At best these figures demonstrate around a 20% increase in traffic flow at this junction. At worst the increase would be around 66%. The likelihood is that the true figure would be somewhere in-between but in any case I find the additional daily movement of traffic at the junctions of Kiln Lane with the A399 has the potential to be significant in relation to existing traffic numbers. Whilst I appreciate that

there is no evidence of any recorded accidents or personal injuries associated with these junctions over the past 10 years, my own observations give me serious concern over their abilities to always function safely.

15. Due to local knowledge and the no-thought nature of Kiln Lane, I find it unlikely that vehicles wishing to leave the lane to travel west would use the east limb of the junction, and vice versa. There would therefore be little chance of multiple manoeuvres for drivers entering onto the A399. Despite this, I am not satisfied that the additional traffic flowing through these junctions would not harm the functioning of the road network or the safety of highway users. The proposal would therefore conflict with part B) of LP Policy TRA6 (General Highway Considerations) in this regard.'

In addition to this, the Council has recently served an Enforcement Notice reference 10878 in relation to the formation of 4 no. unauthorised dwellings at the property known as Manleighs which is located further south along Kiln Lane. An enforcement appeal has been lodged by the land owner. Part of the grounds for serving the notice was the severe impacts on highway safety from the additional 24-32 movements which arises from these unauthorised dwellings; a view which was again supported by an objection from the Highway Authority.

Policy ST10 of the NDTLP requires development to protect and enhance the function and safety of the road network for its local communities and visitors. Policy DM05 carries the following requirement:

'All development must ensure safe and well designed vehicular access and egress, adequate parking and layouts which consider the needs and accessibility of all highway users including cyclists and pedestrians.'

In terms of the NPPF, at paragraph 108 when considering development proposals, it should be ensured that:

'a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;

b) safe and suitable access to the site can be achieved for all users; and

c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.'

Paragraph 109 goes on to state:

'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'

On the basis of the above assessment, and the material considerations of the previous use, dismissed appeal and enforcement notice; the increase in movements from the site

coupled with the inadequate design and layout of Kiln Lane and the junction onto the A399, is such that the development cannot provide safe and suitable access for all road users, and it does not enhance the function and safety of the road network for its community and visitors to the area.

As such the residual cumulative impacts of the development are likely to be severe and as such the development would not comply with Policies ST10 and DM05 of the NDTLP or the requirements of Paragraph 108 and 109 of the NPPF.

Amenity

The property is flanked to the east and west by existing residential properties and mews style cottages to the south-west. In consultation with the Council's Environmental Health department, no objections have been raised to the use as a Guest House, subject to a condition on any approval seeking approval of detail for any external plant which has been installed.

Given the scale of the enterprise, it is not considered that it is likely to result in any adverse impacts to neighbouring amenity and no objections have been received from neighbouring residents. In light of the above, the proposals are considered to comply with Policies DM01 and DM02 of the NDTLP.

Ecology

Local Planning Authorities have a statutory duty to ensure that the impact of development on wildlife is fully considered during the determination of a planning application under the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, The Conservation of Habitats and Species Regulations 2017 (Habitats Regulations 2017).

The development proposed is a pure change of use and does not result in any disturbance of habitat which would have suitability for protected species. As such the above statutory duty is considered to be met along with requirements of Policies ST14 and DM08 of the NDTLP and paragraph 170 of the NPPF.

Conclusion

Whilst acknowledging there are social and economic benefits arising from the small business and resulting employment and visitor spend in the area, the access arrangements would result in an increase in vehicle movements from a substandard highway junction resulting in severe impacts to the safety of all road users contrary to Policies ST10 and DM05 of the North Devon and Torridge Local Plan and paragraphs 109. As such refusal is recommended.

HUMAN RIGHTS ACT 1998

The provisions of the Human Rights Act and principles contained in the Convention on Human Rights have been taken into account in reaching the recommendation contained in this report. The articles/protocols identified below were considered of particular relevance:

Article 8 – Right to Respect for Private and Family Life
THE FIRST PROTOCOL – Article 1: Protection of Property

Recommendation

Refused

Legal Agreement Required:- No

Reason(s) For Refusal

1. 1) The proposed development is likely to result in an increase in the volume of traffic entering and leaving the Class I County Road, the A399, through junctions that do not provide adequate visibility from and of emerging vehicles, with consequent risk of additional danger to all users of that road and interference with the free flow of traffic. This would be contrary to Policies ST10 and DM05 of the North Devon and Torridge Local Plan and paragraphs 108 and 109 of the National Planning Policy Framework.
2. The horizontal alignment, and gradient of the junctions onto the A399 are likely to result in excessive manoeuvring on the highway, with consequent risk of additional danger to all users of the road. This would be contrary to Policies ST10 and DM05 of the North Devon and Torridge Local Plan and paragraphs 108 and 109 of the National Planning Policy Framework.
3. The road providing access to the car park is, by reason of its inadequate width, horizontal alignment, gradient, junctions and lack of footway provision, unsuitable to accommodate the increase in traffic likely to be generated. This would be contrary to Policies ST10 and DM05 of the North Devon and Torridge Local Plan and paragraphs 108 and 109 of the National Planning Policy Framework.

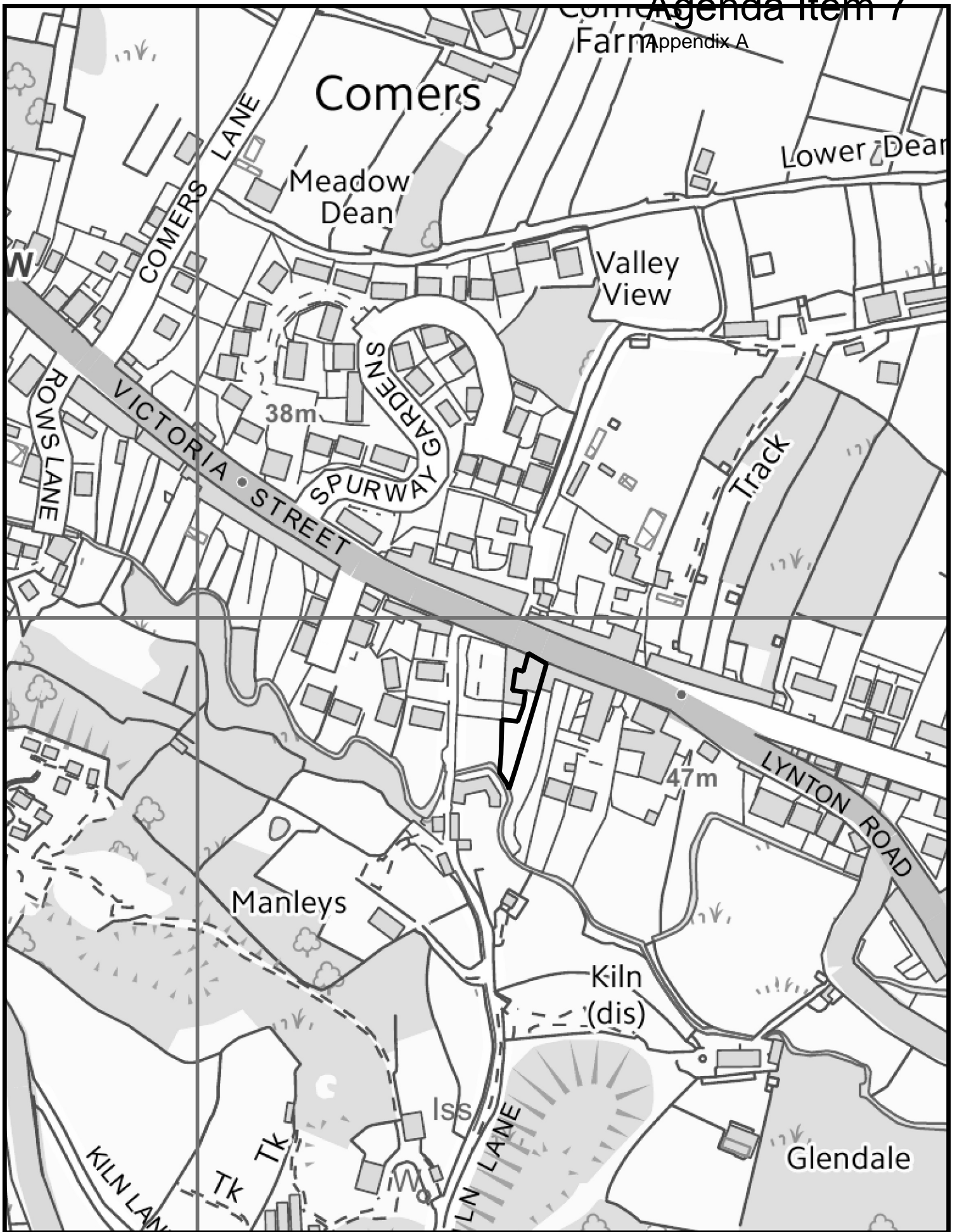
Informatives

1. Statement of Engagement
In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant and has looked for solutions to enable the grant of planning permission. This has included highlighting objections at an early stage and advising that these were unlikely to be able to overcome due to the physical constraints of the highway. However the proposal remains contrary to the planning policies set out in the reasons for refusal and was not therefore considered to be sustainable development.

Inserts

O.S. Location Plan

List of representations names and addresses



70265 - Lion House, Combe Martin
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Neighbour Representation List for Application 70265

1 OBJECTION

K SIMICK	2 ACKLAND COTTAGES, VICTORIA STREET, COMBE MARTIN EX34 0JX	Date Received 02-09-2019
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Application Report

Strategic Development & Planning
Place Services
North Devon Council
Lynton House, Commercial Road,
Barnstaple, EX31 1DG



Application No:	70296	Application Expiry:	3 October 2019
Application Type:	Full application	Ext Of Time Expiry:	
		Publicity Expiry:	6 September 2019
Parish/Ward:	Witheridge/Witheridge		
Location:	Land at Little Yeo Witheridge Devon EX16 8QA		
Proposal:	Erection of one agricultural building		
Agent:	Planning Partnership Ltd		
Applicant:	Mr Jeremy Yabsley		
Planning Case Officer:	Mrs D. Butler		
Departure:	N		
EIA Development:		EIA Conclusion:	Development is outside the scope of the Regulations.
Decision Level/Reason for Report to Committee (If Applicable):	Committee – The applicant is Councillor Yabsley.		

Site Description

The site is to the North of Witheridge 0.6km from the B3137 and is a small parcel of land that forms part of a larger 80ha agricultural holding. The site is a relatively level field that is currently grassed and bounded by post and wire fencing. The access is through an existing field gateway onto the lane.

Recommendation:

Approve
 Legal Agreement Required:- No

Planning History

None relevant

Constraints/Planning Policy

Constraint / Local Plan Policy	Distance (Metres)
Area of Special Advert Control	Within constraint
Burrington Radar Safeguard Area:	Within constraint
Landscape Character is: 1F Farmed	Within constraint
Lowland Moorland and Culm Grassland	
SSSI Impact Risk Consultation	Within constraint
Adopted County Wild Life Site: West Yeo	Within constraint
Moor Policy Ref: ST14	
Within Adopted Unesco Biosphere	Within constraint
Transition (ST14)	
Unclassified Road	

- DM01 Amenity Considerations
- DM02 Environmental Protection
- DM04 Design Principles
- DM05 Highways
- DM06 Parking Provision
- DM08 Biodiversity and Geodiversity
- DM08A Landscape and Seascape Character
- DM14 Rural Economy
- DM02 Environmental Protection

Consultees

Name	Comment
DCC - Development Management Highways	Standing advice applies - The building will be accessed via the existing gate which already serves an existing agricultural use.
Environment Agency	Standing advice applies - The development is not within an area of flood risk and run off will be disposed of via soakaway.
South West Water	Standing advice applies - The development would not impact on foul sewage or water supply due to the building being for agricultural purposes only.
Wildlife Trigger List	There is no requirement for a wildlife report to be submitted.
Witheridge Parish Council	Supports the application.
Reply Received 9 September 2019	

Neighbours

Comments	No Objection	Object	Petition	No. Signatures
0.00	0.00	0.00	0.00	0.00

Considerations

Proposal Description

This application seeks detailed planning permission for the erection of one agricultural building.

Planning Considerations Summary

- Principle of development
- Design and Scale
- Landscape Setting
- Amenity
- Highways
- Ecology

Planning Considerations

In the determination of a planning application Section 38 of the Planning & Compulsory Purchase Act 2004 is relevant. It states that for the purpose of any determination to be made under the planning Acts, the determination is to be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for this area includes the Devon Waste Plan and North Devon and Torridge Local Plan (NDTLP). The relevant Policies are detailed above.

The National Planning Policy Framework (NPPF) is a material consideration.

Principle of the development:

Policy DM14 of the NDTLP allows for small scale economic development in the countryside providing it has a strong functional link to local agriculture and there are no other adverse impacts.

The proposed barn is to be used for the dry storage or feed/straw, general agricultural equipment, covered space for lambing and finishing rare breed pigs. The applicant currently has a sheep flock of 150 ewes and is introducing rare breed pigs as part of a farm diversification scheme and that this parcel of land has been recently acquired

It is accepted that there are no other buildings on site that are suitable for this purpose and that there is a functional justification for the proposed building in relation to a local agricultural business.

Design and scale:

Both paragraphs 83 and 124 of the NPPF support good design and the integration of new development into the natural, built and historic environment. Policy DM04 of the NDTLP also requires good design.

The proposed building will be 27.4m by 9.1m (249m² floor area) and 3.4m in height with a mono-pitched roof. The walls will be constructed from a mix of concrete blockwork and timber with the east elevation being open. The roof will be covered in grey fibre cement and will be a very shallow pitch.

The design and materials are typical of agricultural buildings in the surrounding area. The scale of the building has been dictated by the functional need and there are no objections to the design and scale of the proposed building.

Landscape Setting:

Policy DM08A states that development should be of an appropriate scale, mass and design that recognises and respects landscape character of both designated and undesignated landscapes. The site is not in a designated area and is within the Farmed Lowland Moorland and Culm Grassland landscape character area with the special qualities including small field patterns enclosed by thick Devon banks and surrounded by open grazing land, isolated farms and farmsteads and high levels of tranquillity and remoteness

The development will not require significant groundworks and the post and wire boundary fence is to be retained. The building will be set back from the road by 15m and partially screened by the mature hedge along the eastern boundary. The site is elevated with long distance views over the countryside to the north and west however any views from the wider countryside would see the building in association with the adjacent barn conversion and the adjacent buildings at Aveglaid Farm.

The small scale of the building and siting will ensure that the development would not result in any harm to the special qualities of the surrounding landscape.

Amenity:

Under policy DMO1 development will be supported where there is no significant harm to the amenities of any neighbouring occupiers or uses. The adjacent barn is currently being converted and will be occupied by the applicant. The closest neighbour is Aveglaid Farm from which there is a 40m separation distance. The use of the proposed barn for general storage and livestock housing would be compatible with the surrounding agricultural holdings and would not cause any adverse impact on amenity.

Highways:

Policy DM05 of the NDTLP requires all development to have safe and well-designed access and egress. The building will be accessed from the existing gateway which will remain unaltered and provides significant visibility in both directions. The parcel of land is in close proximity to the rest of the holding with the applicants intending to move into the adjacent barn conversion. The development is therefore unlikely to result in a significant impact on the safety and functioning of the highway network in accordance with policies DM05 and DM06 of the NDTLP.

Ecology:

Local Planning Authorities have a statutory duty to ensure that the impact of development on wildlife is fully considered during the determination of a planning application under the Wildlife and Countryside Act 1981 (as amended), Natural

Environment and Rural Communities Act 2006, The Conservation of Habitats and Species Regulations 2017 (Habitats Regulations 2017).

Paragraph 175 of the NPPF and policy DM08 of the NDTLP states that adverse impact on protected species should be avoided where possible and sufficient mitigation used. The site of the barn is on a field that is currently used for grazing and does not have any suitable habitat for protected species. The boundary hedges will be undisturbed and as such it is not considered there would be any impact on any protected species.

Conclusion:

The proposed building would be of a moderate size and of a typical design and appearance as other agricultural buildings in the locality. The site is part of a larger farm holding which is being diversified and as such it is considered there is a functional justification for the building. There would be a limited impact on the wider landscape due to the siting, low height and intervening screening. The site is currently grazed and has low ecological value. The existing access has adequate width and visibility to deal with any additional traffic. There is a sufficient separation distance from the nearest neighbours to prevent any loss of amenity.

The application is therefore considered to accord with the adopted development plan. Approval of the application is recommended subject to the imposition of planning conditions.

HUMAN RIGHTS ACT 1998

The provisions of the Human Rights Act and principles contained in the Convention on Human Rights have been taken into account in reaching the recommendation contained in this report. The articles/protocols identified below were considered of particular relevance:

Article 8 – Right to Respect for Private and Family Life
THE FIRST PROTOCOL – Article 1: Protection of Property

Recommendation

Approve

Legal Agreement Required:- No

Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason :

The time limit condition is imposed in order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following approved plans NDC002, NDC003 and NDC004 ('the approved plans').

Reason:

To ensure the development is carried out in accordance with the approved plans in the interests of proper planning.

3. The proposed development shall be constructed in accordance with the following schedule of materials:

Roof: Grey fibre cement.

Walls: timber and concrete block

Reason:

In the interests of the appearance of the development and locality in accordance with Policy DM04 of the North Devon and Torridge Local Plan.

Informatives

1. Statement of Engagement

In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission. This has included considering the Principle of Development, Design and Scale, Landscape Setting, Amenity, Highways and Ecology.

Inserts

O.S. Location Plan



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