

Application Report

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



Application No:	73836	Application Expiry:	13 December 2021
Application Type:	Full application	Ext Of Time Expiry:	13 December 2021
		Publicity Expiry:	10 September 2021

Parish/Ward: BRAUNTON/BRAUNTON EAST

Location: Braunton Garage
Braunton Engineering
Exeter Road
Braunton
Devon
EX33 2JP

Proposal: Conversion of existing store to dwelling

Agent: Victoria Needham

Applicant: Mr A Black

Planning Case Officer: Mr S. Emery

Departure: N

EIA Development: N **EIA Conclusion:** Development outside the scope of the regulations

Decision Level/Reason for Report to Committee (If Applicable):

Committee – The applicant was associated with a member of staff

Site Description

The application building is detached from the main garage buildings. It has a horizontal bard finish to the first floor and a flat roof. It has a show room appearance to the ground floor and small casement windows to the upper floor. The building is set back from the highway to the side/rear of the garage buildings. Partial views can be had from the main highway through Braunton.

The existing building is located to the rear southern corner of the garage site. The main garage buildings have a show room to the frontage with the highway, with the

workshops to the rear. Space currently exists to the front of the application building and the rear of the garage building for parking.

Residential properties bound the application site to the south and east. The dwellings to the east (Locks Close) are on elevated land, with the rear of the application building forming the common boundary.

Recommendation:

Approved

Legal Agreement Required:- S111 secured with regard to Braunton Burrows Special Area of Conservation

Planning History

Planning	Decision	Decision Date
78/0437/10/03	APPROVE - WITH CONDITIONS	14 April 1978
Address: BRAUNTON GARAGE, BRAUNTON GARAGE, EXETER ROAD, , , BRAUNTON, DEVON, EX33 2JP		
Proposal: PROPOSED ALTERATIONS AND EXTENSION TO EXISTING GARAGE TO PROVIDE M.O.T. TESTING FACILITIES		
14693	FULL PLANNING REFUSAL	17 December 1991
Address: BRAUNTON GARAGE, EXETER ROAD, BRAUNTON, EX33 2JP		
Proposal: PROPOSED 3 NO.ILLUMINATED FASCIA SIGNS.		
15581	FULL PLANNING APPROVAL	30 June 1992
Address: THE BRAUNTON GARAGE, , EXETER ROAD, BRAUNTON, EX33 2JP		
Proposal: PROPOSED 3 NO.NON-ILLUMINATED FASCIA SIGNS.		
18432	FULL PLANNING APPROVAL	7 April 1994
Address: BRAUNTON GARAGE, EXETER ROAD, BRAUNTON, EX33 2JR		
Proposal: PROPOSED INSTALLATION OF UNDERGROUND DIESEL STORAGE TANK & NEW DIESEL PUMP.		
32879	FULL PLANNING APPROVAL	8 May 2002
Address: Braunton Garage		

Exeter Road Braunton Devon EX33 2JP
Proposal: CHANGE OF USE OF CAR SHOWROOM & FORECOURT CANOPY AREA TO FORM FEMALE FASHIONS SHOP & COFFEE BAR

Constraints/Planning Policy

Constraint / Local Plan Policy	Distance (Metres)
Advert Control Area Braunton	Within constraint
Chivenor Safeguard Zone Consultation Structure or works exceeding 15.2m	Within constraint
Class I Road	
Landscape Character is: 7 Main Cities and Towns	Within constraint
Within adopted Development Boundary: Braunton	Within constraint
Development Boundary ST07	
Within Adopted Unesco Biosphere Transition (ST14)	Within constraint
Within Braunton Burrows Zone of Influence	Within constraint
Within:, SSSI 5KM Buffer in North Devon, consider need for AQIA if proposal is for anaerobic digester without combustion plant	Within constraint
Within: Braunton Burrows, SAC 10KM Buffer if agricultural development consider need for AQIA	Within constraint
SSSI Impact Risk Consultation Area	Within constraint
DM01 - Amenity Considerations	
DM02 - Environmental Protection	
DM03 - Construction and Environmental Management	
DM04 - Design Principles	
DM05 - Highways	
DM06 - Parking Provision	
DM08 - Biodiversity and Geodiversity	
ST01 - Principles of Sustainable Development	
ST02 - Mitigating Climate Change	
ST03 - Adapting to Climate Change and Strengthening Resilience	
ST04 - Improving the Quality of Development	
ST06 - Spatial Development Strategy for Northern Devon's Strategic and Main Centres	
ST14 - Enhancing Environmental Assets	

Consultees

Name	Comment
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<p>Braunton Parish Council</p> <p>Reply Received 31 August 2021</p>	<p>31/08/2021 15:15 - Braunton Parish Council have no objections and wishes to recommend approval.</p>
<p>Building Control Manager</p>	<p>No comments received.</p>
<p>Councillor D Spear</p>	<p>No comments received.</p>
<p>Councillor L Spear</p>	<p>No comments received.</p>
<p>Environmental Health Manager</p>	<p>I have reviewed this application in relation to Environmental Protection matters and comment as follows:</p> <p>1 Residential Amenity</p> <p>The Planning Statement mentions that this Application forms part of wider plans for the site in which a second new build dwelling would be erected to the rear of the garage workshop. Future proposed uses of or demolition of the garage / MOT workshop building and external areas immediately to the northwest of and adjoining the proposed residential curtilage is not clear.</p> <p>I recommend the applicant be asked to provide additional information with a view to clarifying whether future use of the commercial garage buildings / workshop has the potential to cause significant impacts on residential amenity for future occupants of the proposed dwelling (such as relating to noise, fume extraction / ventilation plant etc).</p> <p>Depending on the response, there may be a need for potential impacts to be assessed further.</p> <p>2 Land Contamination</p> <p>I have reviewed the Phase 1 Preliminary Risk Assessment Report by Wheal Jane dated 20 April 2021. The assessment identifies sources of potentially significant contamination at the site requiring further investigation. The report includes the following recommendations in relation to potential contamination risks: "It is recommended that a Phase II Site Investigation be implemented in order to identify, quantify, and delineate any potential areas of contamination on site. [...] The Phase II Investigation will be aimed at identifying possible sources of contamination highlighted in the Preliminary Conceptual Model.</p>

	<p>Any intrusive investigations should take place following removal of the tanks."</p> <p>I note a DSL&C Ltd. Remediation Implementation Plan has been submitted. This document describes proposed tank removal works and also some suggested ground investigation and remediation options. It will be important to wait until the results of a Phase II investigation, carried out by a suitably qualified competent person, are received before approving any contamination remediation scheme for the site.</p> <p>Given the above, I recommend the following condition be imposed on any permission:</p> <p>- Contaminated Land Condition</p> <p>Prior to the commencement of the development hereby permitted a further land contamination investigation and risk assessment report shall be submitted to and approved in writing by the Local Planning Authority, having regard to the findings of the Wheal Jane Consultancy Phase 1 Preliminary Risk Assessment Report dated 20 April 2021. The further report shall be prepared by a suitably qualified and experienced competent person and have regard to relevant standards and guidance. For the avoidance of doubt and where relevant, the report shall include:</p> <p>(a) The results of a Phase II intrusive site investigation, detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to potential receptors and remediation measures required. Where remedial measures are recommended, the Local Planning Authority shall approve such remedial works and any post remediation verification measures prior to remediation works 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.</p> <p>Prior to occupation of the development hereby permitted:</p> <p>(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.</p> <p>(c) If during the works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate supplementary remediation scheme shall be agreed with the Local Planning Authority in writing.</p> <p>(d) 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</p>
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	<p>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 or other verification works to show the site has reached the required clean-up criteria shall be included in the completion report together with the necessary waste transfer documentation detailing what waste materials have been removed from the site.</p> <p>(e) A certificate signed by the developer shall be submitted to the Local Planning Authority confirming that the agreed works have been undertaken as detailed in the completion report.</p> <p>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.</p> <p>3 Advisory Note: Asbestos The Phase I Risk Assessment report mentions that the building appears likely to contain asbestos containing materials (ACMs) and recommends that an asbestos survey is undertaken prior to works commencing. The building should be surveyed for ACMs prior to conversion by a competent person. Where found, materials containing asbestos must be dealt with and, where relevant, be disposed of in accordance with asbestos regulations and health and safety guidance.</p> <p>21/10/21: I have considered the layout and uses of the remaining commercial buildings described in the statement and also taken account of the context of this mixed residential and commercial area, I think future occupiers of the proposed dwelling are unlikely to be significantly impacted by the continued operation of the garage business as described in the submission. This addresses the concerns I raised previously in relation to residential amenity.</p>
<p>Sustainability Officer</p> <p>Reply Received 16 August 2021</p>	<p>16/08/2021 15:06 - In terms of the location of the site, it is within the Zone of Influence (ZOI) identified through the Local Authority's Appropriate Assessment in relation to the Braunton Burrows Special Area Conservation (SAC) under the Habitat Regulations 2017. As such, any new residential development in the ZOI is considered to have recreational impacts on the SAC and is therefore required to pay a contribution of 190 per unit in order to mitigate the impacts of development. At present developers can either enter into a S106 agreement or make a direct payment to the LPA under Section 111 of the Local Government Act 1972.</p>

	Based on the information provided, the application will increase residential capacity and is therefore likely to have an indirect impact on the Braunton Burrows SAC due to its proximity and the likelihood of recreational impacts associated with visitor impacts. North Devon Council must have regard for any potential impacts that a plan or project may have and are required to conduct a Habitat Regulations Assessment to determine the significance of these impacts on the SAC and the scope for mitigation. North Devon Council's Habitat Regulations Assessment (HRA) at the Joint Plan level (JLP) identified the main recreational pressure as coming from the Braunton, Wrafton, Chivenor area and concluded that there is unlikely to be an adverse effect on the integrity of the interest features of the SAC. However, since adoption of the JLP, new evidence has concluded that recreational impacts are evident and contributions towards strategic mitigation will be required from all development within an identified Zone of Influence.
DCC Highways 31/08/2021	No objections.

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 has been received stating that: 'it would appear to be good use being made of a currently redundant business store without increasing the footprint of the building. We would hope that this will provide an additional dwelling in the village at a reasonable price for a local family'.

Considerations

Proposal Description

This application seeks detailed planning permission for the conversion of a store to a dwelling.

The development will not increase the footprint of the building, apart from the creation of a balcony to the side (north) elevation. Externally, the appearance of the building will change through changes to the fenestration and a change to the external materials.

The roof of the building is to change from a shallow lean-to design to a flat roof design. The incorporation of an improved roof structure for the dwellinghouse will result in an increase in height by 200mm. The rear of the balcony is to have a fence measuring 2m in height from the level of balcony that will obscure the retaining wall behind.

The accommodation provided to the first floor is to be two double bedrooms, a living room and kitchen/dining room, and a bathroom. The ground floor is to be primarily a garage with a small entrance lobby and a WC.

A turning area is proposed to the front of the building, together with a lawn area. This amenity space is to be separated from the shared access (with the garage) by a 1.5m high rendered wall.

Planning Considerations Summary

- Principle of development
- Design
- Amenity
- Ecology
- Flood risk and drainage
- Highways/parking

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. The relevant Policies are detailed above.

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

Principle of Development

The site is located with the village of Braunton wherein the principle of development is acceptable in accordance with policy ST06 of the North Devon and Torridge Local Plan (the Local Plan).

Policy DM13 of the Local Plan (Safeguarding Employment Land) states that, in order to maintain a range of suitable and available sites and buildings for employment, non-employment development uses will not be supported on allocated sites or in buildings previously used for employment or in buildings currently used for employment unless:

- (a) there is sufficient quality and quantity of employment sites available in the local area to provide opportunities for local employment uses; or
- (b) it can be demonstrated through appropriate marketing that the site no longer provides a realistic prospect for employment uses; or
- (c) the existing use is causing harm to surrounding uses and the new use will not cause harm for the existing neighbouring uses; and in all cases
- (d) a sequential test has been applied for redevelopment of the site based on the following order of preference:
 - (i) employment based redevelopment;
 - (ii) mixed use including employment generating redevelopment;
 - (iii) non-employment generating redevelopment.

Given that this proposal is for the conversion of only a portion of the garage buildings with the remainder of the site being retained as an employment use, and as such this limited impact not requiring further details. However, it is likely that any future development of the garage buildings would require to satisfy the requirements of this policy.

The creation of a dwellinghouse from this redundant workshop and store is therefore acceptable, subject to matters of design, amenity, ecology, flood risk and drainage and highways.

Design

Policy ST04 of the Local Plan states that development will achieve high quality inclusive and sustainable design to support the creation of successful, vibrant places. Design will be based on a clear process that analyses and responds to the characteristics of the site, its wider context and the surrounding area taking full account of the principles of design found in policy DM04.

Policy DM04 of the Local Plan encourages good design and ensures that development proposals should be appropriate and sympathetic to setting in terms of scale, density, massing, height, layout appearance, fenestration, materials and relationship to buildings and landscape features in the local neighbourhood; reinforce the key characteristics and special qualities of the area in which the development is proposed; and contributes positively to local distinctiveness, historic environment and sense of place.

There is no objection to the resultant appearance of the development. Whilst the extension to the north of the building to create the balcony will increase the massing of the building, this will not be excessive and will not appear oppressive within the street scene. In addition, the slight raising of the roof height would not excessively increase the massing and therefore will not be harmful.

The creation of the garden/amenity space to the west, combined with the rendered wall, will also change the appearance of the site resulting in a domestic appearance compared to the existing industrial appearance. However, this will not be detrimental to the appearance of the street scene, or the setting of the parent garage business.

The pallet of materials as detailed on the submitted drawings is acceptable. It is therefore reasonable that any grant of planning permission is subject to a condition that ensures such.

The design of the dwelling is such as to allow to offer a positive contribution to its setting of and not detract from the wider character of its setting. It is reasonable to consider that post development the owner may wish to exercise 'permitted development rights' that would materially alter the appearance of the dwelling and how it contributes to its setting. For this reason it is reasonable and necessary that any grant of planning permission is subject to a condition that removes classes A, AA, B, D, and E of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

In having regard to the above, this proposal accords with the design considerations of the Local Plan.

Amenity

Policy DM01 of the Local Plan (Amenity Considerations) states that development will be supported where:

- (a) it would not significantly harm the amenities of any neighbouring occupiers or uses; and
- (b) the intended occupants of the proposed development would not be harmed as a result of existing or allocated uses.

Numbers 5 and 6 Locks Close

These neighbouring dwellings are located to the rear (east) of the application site. They are set on a higher level, and the rear of the application building forms part of the common boundary. This has been accurately identified in the submitted section plan.

With regard to light provision and outlook, the increase in the height of the roof by approximately 200mm will not significantly impact upon the amount of natural light currently received to the rear of the dwellinghouses and their amenity space.

Number 5 will experience a degree of shadowing through the development of the fence on top of the retaining wall. However, following an amendment to the scheme through the process of the application, the increase in height of the fence will not be such as to result in significant harm to light provision and outlook. It is reasonable, however, that any grant of planning permission is subject to a condition that ensures that, prior to the first occupation of the dwelling hereby approved, the fence to the eastern boundary to the rear of the balcony shall be constructed in accordance with the approved plans and shall remain as such unless otherwise agreed in writing by the Local Planning Authority. This condition is reasonable to ensure that the privacy and light provision for the neighbouring property is not harmed, in accordance with policies DM01 and DM25 of the North Devon and Torridge Local Plan.

Both dwellings will retain a sufficient degree of privacy resulting from this development. However, it is noted that once the development has been completed and the dwelling lived in, the owner could exercise their permitted development rights and insert a window to the rear elevation that would have a direct outlook of the rear of these neighbouring properties. Given the degree of harm that this would cause, it is reasonable that any grant of planning permission removes the permitted right to insert such a window.

In having regard to the above, this proposal results in an acceptable relationship with these dwellings.

Parklyn

The dwelling known as Parklyn is located to the south of the application site. The existing building has a window to this flank elevation that is obscure glazed and therefore limiting any outlook of the amenity space of this neighbouring dwelling. The development proposes a high level window in this location that is additionally to be obscure glazed. Given the obscure glazing and the height of the window, it is unlikely that this will cause a degree of surveillance that will result in harm to the enjoyment of this neighbouring dwelling.

In addition, the raising of the height of the building will not result in harm to light provision and outlook.

In having regard to the above, this proposal results in an acceptable relationship with this dwelling.

Future occupants

The development results in an acceptable standard of accommodation for the future occupants. The layout of bedroom two will result in limited outlook for the future occupants due to the only window serving this room being high-level and obscure

glazed. However, the degree of harm is limited and would not be to a degree as to warrant a refusal of the application.

The external amenity space is located to the front of the building and enclosed by the proposed 1.5m rendered wall. Given the location of this amenity space adjacent to the garage and access drive, and close to the main highway through Braunton, the degree of privacy proposed would be limited. However, the amount of defensible space is acceptable given this location to ensure the future enjoyment of the property. It is also a material consideration that a public park/ open green space is in close proximity. It is reasonable that any grant of planning permission ensures that the boundary wall is constructed prior to the first occupation of the dwelling and retained as such to ensure that privacy is secured for the future occupants.

The Environmental Health Officer recommends the applicant be asked to provide additional information with a view to clarifying whether future use of the commercial garage buildings / workshop has the potential to cause significant impacts on residential amenity for future occupants of the proposed dwelling (such as relating to noise, fume extraction / ventilation plant etc). In response the applicant submitted a report that concluded that 'given the nature and scale of the existing business, and the future plans for the site it was not felt that the uses, (being a continuation of mixed uses), would be detrimental to any new dwelling as proposed. The business has operated in this location for a good number of years, without any issues or complaint from neighbours about noise or fumes'. The Environmental Health Officer concurred with this conclusion.

With regard to matters of contamination, the Environmental Health Officer reviewed the Phase 1 Preliminary Risk Assessment Report by Wheel Jane dated 20 April 2021. The assessment identifies sources of potentially significant contamination at the site requiring further investigation. The report includes the following recommendations in relation to potential contamination risks:

"It is recommended that a Phase II Site Investigation be implemented in order to identify, quantify, and delineate any potential areas of contamination on site. [...] The Phase II Investigation will be aimed at identifying possible sources of contamination highlighted in the Preliminary Conceptual Model. Any intrusive investigations should take place following removal of the tanks."

It has been noted that DSL&C Ltd. Remediation Implementation Plan has been submitted. This document describes proposed tank removal works and also some suggested ground investigation and remediation options. It will be important to wait until the results of a Phase II investigation, carried out by a suitably qualified competent person, are received before approving any contamination remediation scheme for the site.

Officers concur with these comments and therefore it is reasonable that any grant of planning permission be subject to the pre-commencement condition as worded by the Environmental Health Officer. The applicant has agreed to this condition.

The development therefore results in an acceptable degree of amenity for the future occupants.

Summary on amenity

In having regard to the above, and in considering that this proposal will not result in harm to the enjoyment of any other neighbouring property, this proposal accords with the amenity considerations of the Local Plan.

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).

Policy DM08 of the Local Plan states that Adverse impacts on European and UK protected species and Biodiversity Action Plan habitats and species must be avoided wherever possible, subject to: (i) the legal tests afforded to them where applicable; or otherwise unless (ii) the need for and benefits clearly outweigh the loss. Also, where adverse impacts are unavoidable they must be adequately and proportionately mitigated, if full mitigation cannot be provided, compensation will be required as a last resort.

In terms of the location of the site, it is within the Zone of Influence identified through the Local Authority's Appropriate Assessment in relation to the Braunton Burrows Special Area Conservation (SAC) under the Habitat Regulations 2017. As such, any new residential development in the Zol is considered to have recreational impacts on the SAC and is therefore required to pay a contribution in order to mitigate the impacts of development. At present developers can either enter into a S106 agreement or make a direct payment to the LPA under Section 111 of the Local Government Act 1972. The applicant has submitted a payment via Section 111 which has been received by the Council.

Given the information received, it is unlikely that the development would result in harm to protected species and their habitat. However, it is reasonable that any grant of planning permission be subject to a condition that states that prior to the approved extension being brought into use, a bat and bird box shall be sited on the building (as detailed on approved drawing reference 383-PL-05 Rev A) and shall be retained thereafter. This is considered to be reasonable to achieve net gains in biodiversity in compliance with Policy ST14 of the North Devon and Torridge Local Plan and paragraph 174 of the National Planning Policy Framework.

Flood Risk and Drainage

The site is located within Flood Zone 1 and not within a Critical Drainage Area. Flood Risk is therefore not a constraint.

Highways

Policy DM05 of the Local Plan (Highways) states that: (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, and (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.

Policy DM06 of the Local Plan (Parking Provision) states that 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. Proposals must also encourage the use of sustainable modes of transport through careful design, layout and integration to the existing built form.

The application proposes off-road parking with the ground floor of the building to serve the dwelling. The building is located within a very sustainable location in the village centre, in close proximity to alternative forms of transport, together with cycle links to Barnstaple, and the garage also appears to offer sufficient space for the storage of bicycles; however, it is reasonable that any grant of planning permission is subject to a condition that ensures that the ground floor is retained solely for the parking of vehicles, and retained as such unless otherwise agreed in writing by the Local Planning Authority.

The proposal also includes sufficient turning space to allow for vehicles to enter and leave the highway in a forward gear. The access is as existing, and would therefore not be harmful to the flow of traffic.

The creation of the garden for this dwelling is to be on the site of six off-road parking spaces for the garage. The submitted plans indicate that these are to be re-located to the rear of the existing workshop. There appears to be sufficient space for this relocated parking, and therefore any loss of parking provision for the business would be limited.

In having regard to the above, this proposal will not result in harm to highway safety and capacity.

Conclusion

The application is considered to accord with the adopted development plan. Approval of the application is therefore 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

Approved

Legal Agreement Required:- S111 secured with regard to Braunton Burrows Special Area of Conservation

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:

283 PL 01 Site Plans received on the 29/07/21

283 PL 06B Site Plans Existing & Proposed received on the 29/07/21

283 PL 04A Plans Proposed received on the 29/07/21

283 PL 05B Elevations Proposed received on the 02/11/21

283 PL 07 A Context Sections Existing & Proposed received on the 02/11/21 ('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 schedule of materials as detailed on the submitted plans.

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. Prior to the commencement of the development hereby permitted a further land contamination investigation and risk assessment report shall be submitted to and approved in writing by the Local Planning Authority, having regard to the findings of the Wheal Jane Consultancy Phase 1 Preliminary Risk Assessment Report dated 20 April 2021. The further report shall be prepared by a suitably qualified and experienced competent person and have regard to relevant standards and guidance. For the avoidance of doubt and where relevant, the report shall include:

(a) The results of a Phase II intrusive site investigation, detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to potential receptors and remediation measures required. Where remedial measures are recommended, the Local Planning Authority shall approve such remedial works and any post remediation verification measures prior to remediation works 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.

Prior to occupation of the development 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.

(c) If during the works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate supplementary remediation scheme shall be agreed with the Local Planning Authority in writing.

(d) 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 or other verification works to show the site has reached the required clean-up criteria shall be included in the completion report together with the necessary waste transfer documentation detailing what waste materials have been removed from the site.

(e) A certificate signed by the developer shall be submitted to the Local Planning Authority confirming that the agreed works have been undertaken as detailed in the completion 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.

5. Prior to the first occupation of the dwelling hereby approved, the fence to the eastern boundary to the rear of the balcony, and the 1.5m high rendered wall to the amenity space for the proposed dwelling, shall be constructed in accordance with the approved plans and shall be retained as such unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure that the privacy and light provision for the neighbouring property and the future occupants of the application property are not harmed, in accordance with policies DM01 and DM25 of the North Devon and Torridge Local Plan.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order revoking and re-enacting that Order) any proposal for the construction or alteration of any windows, doors or other openings shall be the subject of a separate application to the Local Planning Authority.

Reason:

To preserve the character and appearance of the building and the contribution it makes to the visual amenities of the area, and to protect the amenities of the occupants of the neighbouring properties, in accordance with Policies DM01, DM04 and DM25 of the North Devon and Torridge Local Plan.

7. 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 classes AA, B, D, and E of Part 1 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 and neighbouring amenity in accordance with the requirements of Policies DM01, DM04 and DM25 of the North Devon and Torridge Local Plan.

8. Prior to the development hereby approved being brought into first use, a bat and bird box shall be sited on the building (as detailed on approved drawing reference 383-PL-05 Rev A) and shall be retained thereafter.

Reason:

To achieve net gains in biodiversity in compliance with Policy ST14 of the North Devon and Torridge Local Plan and paragraph 174 of the National Planning Policy Framework.

9. The garaging shown on the approved plans for the dwelling hereby approved shall be provided prior to the first occupation of the dwelling and retained for the parking of vehicles only thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure that sufficient off-road parking provision is retained to meet the needs of the new dwelling, in accordance with policies DM05 and DM06 of the North Devon and Torridge Local Plan.

Informatives

1. Bats and bat roosts are protected by law under Schedule 5 of the Wildlife & Countryside Act 1981 [as amended], Schedule 2 of the Conservation [Natural Habitats, &c] Regulations 1994, the Countryside Rights Of Way Act 2000, and the Conservation of Species and Habitats Regulations 2017. It is an offence to recklessly or deliberately kill, injure or capture [take] bats, recklessly or deliberately disturb bats, damage, destroy or obstruct access to bat roosts. For further advice contact the Bat Helpline 0345 1300 228.
2. It is an offence under section 1 of the Wildlife and Countryside Act 1981 (as amended) to intentionally take, damage or destroy the nest of any wild bird while it is in use or being built. It is strongly recommended that any buildings or land where consent for work has been granted are checked for nesting birds prior to any work being undertaken. Where inspection is obscured i.e. Hedgerows, Ivy and in trees of dense foliage it is advised that work is scheduled for outside the nesting season i.e. not undertaken between March and August (inclusive). For further advice please contact the RSPB Southwest Regional Office 01392 432691.

3. As the proposed works affect / are in close proximity to the boundary with a neighbouring property, this decision does not convey any other form of consent or agreement that may be necessary in conjunction with these works and does not override or supersede any civil rights, which the neighbour may have. The attention of the applicant is drawn to the information contained in the Guide to the Party Wall etc. Act 1996 booklet. Copies available from the Communities and Local Government website
www.communities.gov.uk/publications/planningandbuilding/partywall.

4. For the purpose of interpreting the restrictions expressed in condition 5 of this consent, permitted development rights have been removed in respect of the following classes:

Part I: CLASS A The enlargement, improvement or other alteration of a dwelling-house

Part I: CLASS AA Enlargement of a dwellinghouse by construction of additional storeys

Part I: CLASS B The enlargement of a dwelling-house consisting of an addition or alteration to its roof

Part I: CLASS D The erection or construction of a porch outside any external door of a dwelling-house

Part I: CLASS E The provision within the curtilage of a dwelling-house of -

a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwelling house as such, or the maintenance, improvement or other alteration of such a building or enclosure; or

b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas

Further detailed information can be obtained from the Local Planning Authority, including a guide to householder development, and the Planning Portal at www.planningportal.gov.uk

5. This application was granted subject to the receipt of a payment under Section 111 of the Local Government Act 1972 towards mitigation of recreational impacts on the Braunton Burrows Special Area of Conservation.

6. The Phase I Risk Assessment report mentions that the building appears likely to contain asbestos containing materials (ACMs) and recommends that an asbestos survey is undertaken prior to works commencing. The building should be surveyed for ACMs prior to conversion by a competent person. Where found, materials containing asbestos must be dealt with and, where relevant, be disposed of in accordance with asbestos regulations and health and safety guidance.

7. The above consent requires the submission of further details to be approved either before works commence or at identified phases of construction.

To discharge these requirements will mean further formal submissions to the Authority on the appropriate forms, which can be completed online via the

planning Portal www.planningportal.gov.uk or downloaded from the Planning section of the North Devon Council website, www.northdevon.gov.uk.

A fee may be required [dependent on the type of application] for each separate submission [if several or all the details are submitted together only one fee will be payable].

Further details on this process are available on the Planning section of the Council's website or by contacting the Planning Unit at Lynton House, Commercial Road, Barnstaple.

8. 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.