



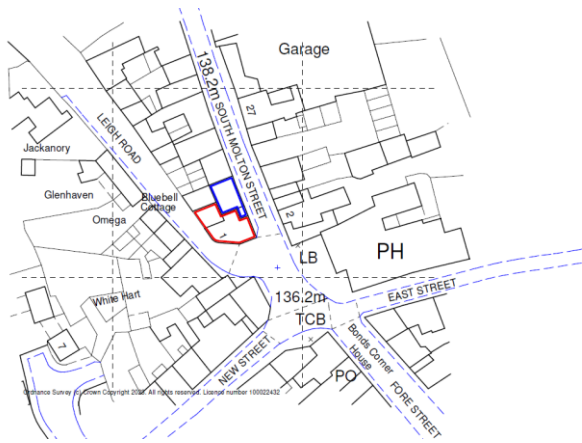
Application Report

Planning, Housing and Health
North Devon Council
Lynton House, Commercial Road,
Barnstaple, EX31 1DG

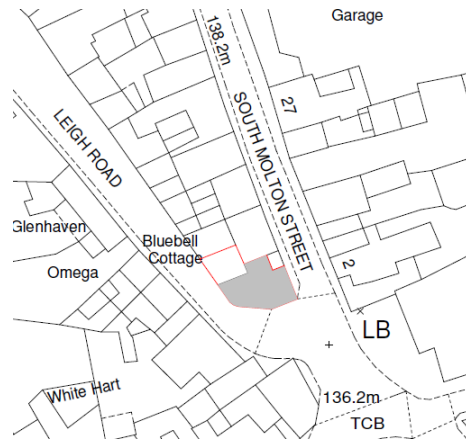
Application No:	76669
Application Type:	Full Application
Application Expiry:	18 April 2023
Extension of Time Expiry:	
Publicity Expiry:	24 March 2023
Parish/Ward:	CHULMLEIGH/CHULMLEIGH
Location:	1 South Molton Street Chulmleigh Devon EX18 7BW
Proposal:	Proposed change of use and conversion of ground floor shop into one bed residential unit
Agent:	Mr Kevin Davies
Applicant:	Smallcombe Properties Limited
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 (Cllr Davies is the agent for this application)

Site Description

The property is in the centre of Chulmleigh on the corner of Leigh Road and South Molton Street. The property was previously used as a butchers on the ground floor with the upper two floors being residential. The building is finished with red brick and still contains the shop front and window. There has been previous extensions and alterations to the building. The ground floor has now remained vacant for some time.



Site Plan



Block Plan



Recommendation

Approved

Legal Agreement Required: No

Planning History

Reference Number	Proposal	Decision	Decision Date
19156	Proposed change of use of Day Centre to form dwelling at 61 Centre, Fore Street, Chulmleigh, Devon, EX18 7BW	Full Planning Approval	8 September 1994
19157	Proposed change of use of Day Centre to Office/Retail at 61 Centre, Fore Street, Chulmleigh, Devon, EX18 7BW	Full Planning Approval	8 September 1994
44989	Conversion of 1 dwelling to form 4 flats at 5 South Molton Street, Chulmleigh, EX18 7BW	Full Planning + S106 Approval	19 September 2008

Constraints/Planning Policy

Constraint / Local Plan Policy	Distance (Metres)
Advert Control Area Area of Special Advert Control	Within constraint
Ancient Woodland: DARTRIDGE WOOD Ancient & Semi-Natural Woodland	242.44
Burrington Radar Safeguard Area consultation required for: All buildings, structures, erections & works exceeding 45 metres in height.	Within constraint
Conservation Area: 12 Chulmleigh Adopted 13/12/2011;	Within constraint
Landscape Character is: 3A Upper Farmed & Wooded Valley Slopes	Within constraint
Listed Building Adjacent: 1121 EH Ref 1325765 The Red Lion, East Street, Chulmleigh	16.90
Listed Building Adjacent: 1199 EH Ref 1152778 Devon House, South Molton Street (west side), Chulmleigh	4.46
Listed Building Adjacent: 1200 EH Ref 1106722 Fernside, South Molton Street (west side), Chulmleigh	11.90
Listed Building Adjacent: 1213 EH Ref 1152731 The White Hart, Leigh Road, Chulmleigh	5.23
Listed Building Adjacent: 1214 EH Ref 1152712 Brayleys and Glen Haven (Brayleys), Leigh Road, Chulmleigh	13.12
Listed Building Adjacent: 1230 EH Ref 1152789 The Old Bakehouse, South Molton Street (west side), Chulmleigh	18.22
Listed Building Curtilage (Adjacent to)	10.62
USRN: 27502039 Road Class:B Ownership: Highway Authority/Private	1.63
USRN: 27502045 Road Class:C Ownership: Highway Authority	2.67
Within adopted Development Boundary: Chulmleigh ST07	Within constraint
Within Adopted Unesco Biosphere Transition (ST14)	Within constraint
Within Surface Water 1 in 100	Within constraint
Within Surface Water 1 in 30	Within constraint
Conservation Area: CHULMLEIGH	
DM01 - Amenity Considerations DM04 - Design Principles DM05 - Highways DM06 - Parking Provision DM07 - Historic Environment DM08 - Biodiversity and Geodiversity DM08A - Landscape and Seascape Character DM21 - Local and Rural Shops DM22 - Shop Front Design and Signage ST01 - Principles of Sustainable Development ST06 - Spatial Development Strategy for Northern Devon's Strategic and Main Centres ST12 - Town and District Centres ST15 - Conserving Heritage Assets	

Consultees

Name	Comment
Chulmleigh Parish Council Reply Received 2 March 2023	Recommends approval.
Councillor K Davies	Cllr Davies is acting as agent for the application.
Environmental Health	Awaiting consultation response.
Heritage & Conservation Officer Reply Received 17 March 2023	I do not consider that this proposal will cause harm to the significance of the heritage asset, but please condition that the timber shopfront fascias and surround are maintained, and that the new windows inserted is timber framed.
The Forestry Commission	No comments received.

Neighbours / Interested Parties

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

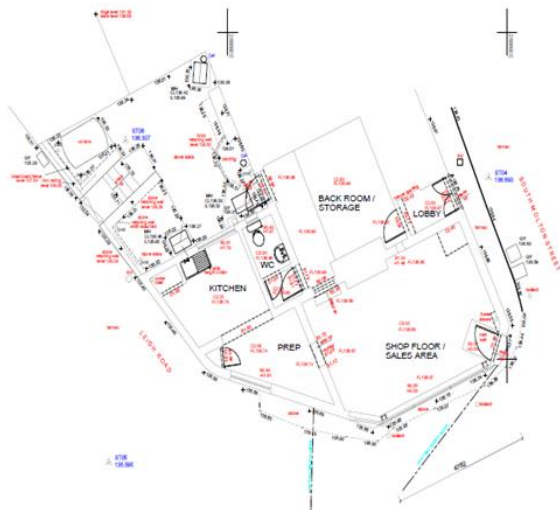
No representations received.

Considerations

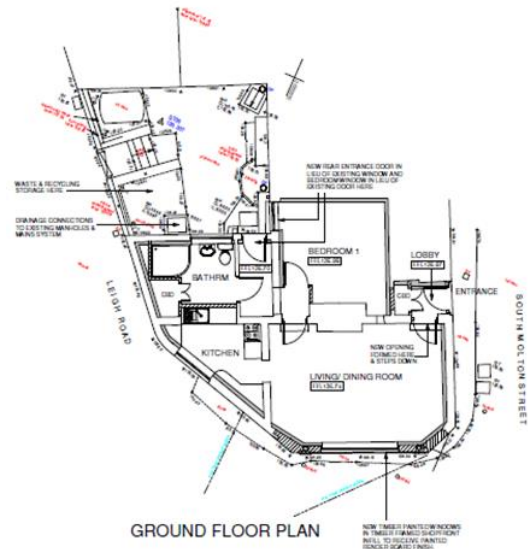
Proposal Description

This application seeks detailed planning permission for the proposed change of use and conversion of ground floor shop into one bed residential unit.

The residential unit proposed is a 1 Bedroom apartment with a gross internal area of 62 square metres and comprises a living/ dining room, bedroom, kitchen and bathroom.



Existing Floor Plans



Proposed Floor Plans

Reason for planning committee

The application is required to be determined by Planning Committee due to Councillor Davies (Chair of Planning Committee) being the agent.

Planning Considerations Summary

- Principle of change of use
- Design and setting
- Heritage Impact (Conservation Area)
- Amenity
- Parking and 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 Torrridge Local Plan. The relevant Policies are detailed above.

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. In the exercise, with respect to any buildings or other land in a conservation area special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

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

Principle of the development

The property is in the centre of Chulmleigh which is an identified Local Centre as set out in policy ST07. The property being in the main centre is within the development boundary and in an area where residential uses are accepted.

Policy ST12 (Town and District Centres) specifies that In all Policy ST07 defined settlements, locally important shops, services and community facilities will be protected from loss and new provisions encouraged where appropriately scaled.

Part 3 of Policy DM21: Local and Rural shops supports the change of use of local shops where there is a suitable alternative or replacement provision in the locality; or it is demonstrated that the business is no longer viable and cannot reasonably be made so.

The ground floor of the property has historically been used as a butchers shop, however this ceased trading some time ago and the unit has been vacant ever since. The supporting information with the application indicates that the unit has been marketed since January 2022 however there hasn't been any interest. The Estate Agent also specifies that in the current climate, commercial units for sale and to rent in small towns are quite hard to move. The location of the shop is also a challenge as there is no pavement at the front window. It is noted that the owner previously tried to sell the business for many years before his retirement in September 2021 but did not have any success. Chulmleigh also has a local convenience shop being in close proximity to the site.

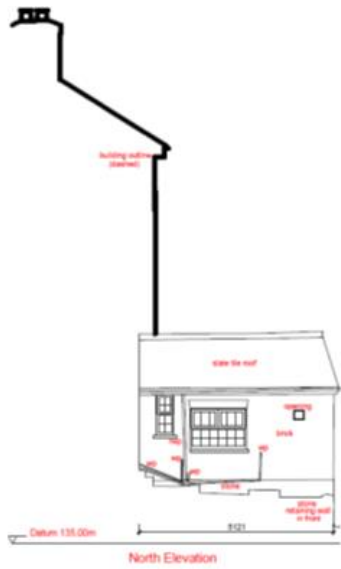
Given the above justification it is considered that the development complies with Policy DM21 of the Local Plan and that the principle of the change of use is accepted.

Design and setting

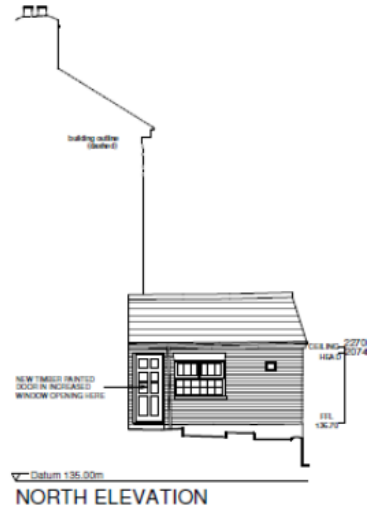
Policy DMO4 of the NDTLP supports good design and the integration of new development into the natural, built and historic environment. The building is a 3 storey red brick building and features chamfered corners with a hipped roof to suit. A single storey brick extension has been added to the west side. The windows and doors are generally timber and painted. Since the proposal is for a change of use there are minimal external alterations required. The changes are outlined below:

- A new opening is proposed from the entrance lobby into the living/ dining room to allow the main entrance to be reused from South Molton Street.
- The former front door on the corner splay will be closed and the glazed frontage reduced in size/ infilled with a timber frame with a render board finish.
- A new opening/ door is also required, accessing the bathroom from the rear lobby.
- The existing openings onto the courtyard will be altered to create the bedroom window and rear entrance door.
- The living/ dining room FFL has been altered to match the kitchen and eliminates the need of an extra step.
- The back entrance lobby FFL is lowered to match the bathroom, which has removed the need for an extra step to enter the building from the rear.
- The new external joinery will be in timber and painted. The brick and render finishes will match the existing.

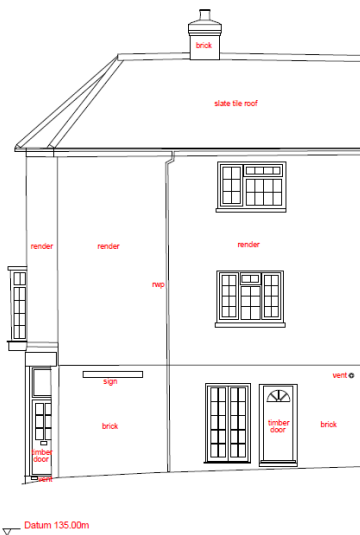
The proposed alterations are shown in the plans below:



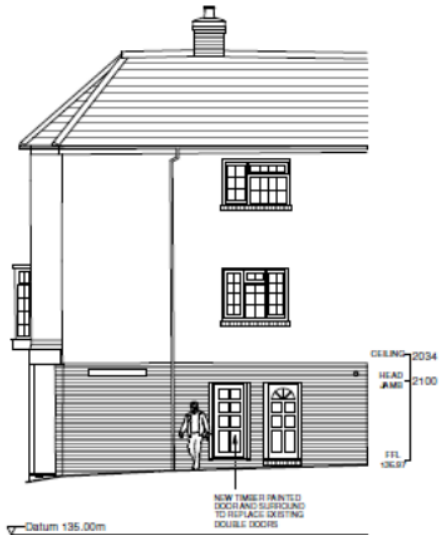
Existing North Elevation



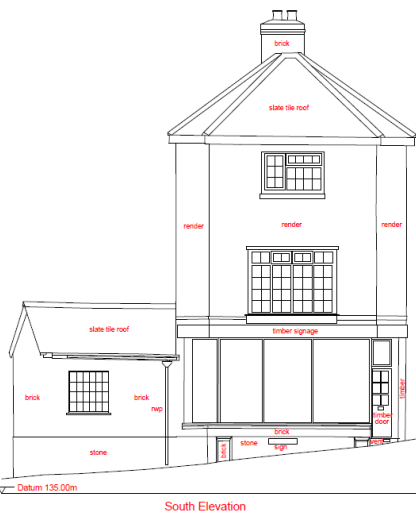
Proposed North elevation



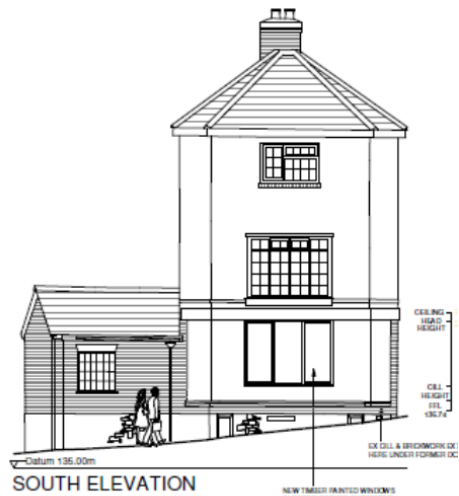
Existing East Elevation



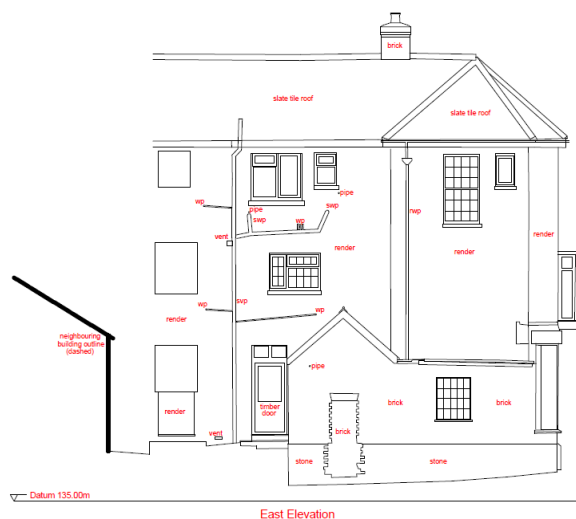
Proposed East Elevation



Existing South Elevation



Proposed South Elevation



Existing West Elevation



Proposed West Elevation

The proposed alterations and changes to the property would be sympathetic to the setting and surrounding buildings. The materials would reflect those which are already prominent in the village centre. There are no concerns raised with regard to the proposed design and layout.

Heritage Impact

Paragraph 193 of the NPPF and policy DM07 of the NDTLP states that great weight should be given to the conservation and enhancement of any heritage asset and its setting. The property is prominent within the Conservation Area given its position on a corner plot within the village centre and at a crossroads.

The Conservation Area appraisal for Chulmleigh describes it as a village with a long history and retains buildings and features from a wide range of periods from the past 700 years. Its character is varied, with buildings from the 16th century to the modern day. Chulmleigh's streets create some intriguing and eye catching views. Due to the pattern of the various junctions almost every view along a street is terminated by an elaborate corner building, an area of civic space or an interesting piece of street furniture.

The Heritage Officer has advised that the proposal will not cause harm to the significance of the Heritage Asset however the timber shopfront fascia and surround should be maintained. The new windows should also be timber. The applicants have agreed to the windows and doors conditions however they have advised and provided photos to show that the fascias are composite and modern materials so are no longer timber.

Amenity

Policies DM01 and DM04 and paragraph 130 of the framework seek to protect the amenities of any neighbouring properties or the future occupiers of the development.

The gross internal area (GIA) of the property will be 62m² which will exceed the minimum area required (50m²) as set out in the nationally described Government Space Standards. The courtyard provides some external amenity as well as an area for waste and recycling storage as indicated on the plans.

The property is in an area surrounded with a mix of uses including residential uses so the proposed change would be compatible with these. There would not be any alterations to impact on light and privacy to the neighbours.

It is not considered that there would not be any harm to the surrounding neighbours or the future residents of the property in terms of amenity.

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 wildlife trigger report does not generate the requirement for any wildlife survey. Being a ground floor unit means that there would not be any alterations to the roof space. There is limited scope to provide ecological enhancements given the size of the courtyard and being at ground floor level.

Flood Risk and Drainage

The building is within Flood Zone 1, where the principle of residential development is considered acceptable and where there are no requirements for additional flood mitigation measures. The foul sewage will be connected to the existing manholes and mains system.

Highways

Policy DM27 d) and policies DM05 and DM06 and paragraph 110 and 111 of the NPPF require new development to ensure safe vehicular access and protection of all users of the highway.

The dwelling can be accessed from either the front door directly off South Molton Street or the rear door from the courtyard onto Leigh Road, which is as per the existing situation. The number of movements to be generated from a residential use is unlikely to be significantly more than the existing commercial use. The property is in a sustainable location accessed by public transport. There are no objections with regards to the impact on highways and parking.

Conclusion

The proposed loss of the commercial unit is accepted under policy DM21 due to the marketing exercise that has been carried out and alternative facilities being available. The residential use is unlikely to have any significant impact on the wider area in terms of amenity, highways and ecology. The limited works to the external appearance of the building are sympathetic to the character of the wider area and would not result in any significant harm to the Conservation Area. 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

Section 149(1) of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it (the Public Sector Equality Duty or 'PSED'). There are no equality implications anticipated as a result of this decision.

Recommendation

Approved

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/details:

2790 RDJWL XX XX DR A 0015C2 Location Plan received on the 08/02/23

2790 RDJWL XX XX DR A 0016C2 Existing and Proposed block plan received on the 21/02/23

2790 RDJWL XX XX DR A 0020C1 Proposed plans and elevations received on the 08/02/23

('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 development hereby approved shall be constructed in accordance with the following schedule of external finishing materials:

Windows and doors - Timber

Reason:

In the interests of the appearance of the development and Conservation Area in accordance with Policy DM04 and DM07 of the North Devon and Torridge Local Plan.

4. The materials used in the replacement of the existing fascias must be of a similar appearance to those used on of the exterior of the existing dwellinghouse.

Reason:

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

5. The unit shall not be occupied until the means of enclosure and the bin storage area for that dwelling have been provided in accordance with the approved plans (listed in condition 2).

Reason:

To ensure adequate facilities are available to occupants of the dwellings in accordance with Policy DM04 of the North Devon and Torridge Local Plan.

Informatives:

1. 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.
2. Providing adequate sound insulation when dividing buildings to create separate dwellings plays an important part in creating acceptable living conditions and reduces the potential for neighbour noise complaints to arise. Building regulations Approved Document E: Resistance to the Passage of Sound sets out minimum standards for the sound insulation that separating walls and floors must offer between separate dwellings. Guidance is also provided within BS8233: 2014 Guidance on sound insulation and noise reduction for buildings.

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 consideration of the use, design, setting, conservation area, impact on the wider area and amenity.