

Application Report

Planning, Housing and Health

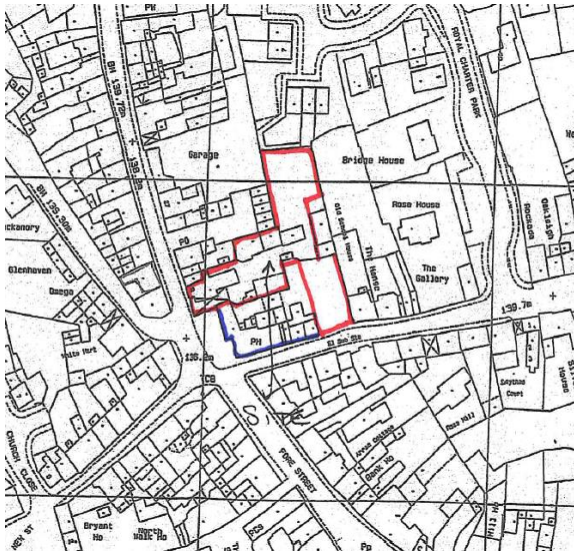
North Devon Council

**Lynton House, Commercial Road,
Barnstaple, EX31 1DG**

Application No:	78096
Application Type:	Discharge of Conditions
Application Expiry:	15 March 2024
Extension of Time Expiry:	15 March 2024
Publicity Expiry:	9 January 2024
Parish/Ward:	CHULMLEIGH/CHULMLEIGH
Location:	2 South Molton Street Chulmleigh Devon EX18 7BW
Proposal:	Approval of details in respect of discharge of conditions 8 (ground contamination) and 11 (CEMP) attached to planning permission 71782 (change of use of ground floor to 2 bed unit, conversion of outbuildings to x3 garages & conversion of storage buildings to x2 residential units. Erection of x1 residential unit with additional access)
Agent:	Kevin Nursey
Applicant:	Mr B East
Planning Case Officer:	Mrs D. Butler
Departure:	
EIA Development:	
EIA Conclusion:	
Decision Level/Reason for Report to Committee (If Applicable):	Committee – The agent is a District Councillor.

Site Description

The site is in the centre of Chulmleigh on land behind the Red Lion and 2 South Molton Street. The site is within the Conservation Area and is adjacent to the grade II listed pub. The site consists of the existing three storey building fronting onto South Street and a range of outbuildings to the rear courtyard and garden. Access is currently from South Molton Street with the proposal to create a new access through the Red Lion car park entrance.



Location Plan



Approved Site Plan

Recommendation

Approved

Legal Agreement Required: No

Planning History

Reference Number	Proposal	Decision	Decision Date
25619	PROPOSED CONVERSION OF EXISTING BUILDINGS PLUS ERECTION OF NEW BUILDINGS TO FORM SMALL SCALE WORKSHOPS AND RETAIL UNITS at LAND R/O, 2 SOUTH MOLTON STREET, CHULMLEIGH, EX187BW	WITHDRAWN	29 June 1999
25620	CONSERVATION AREA APPLICATION DEMOLITION OF A NON LISTED BUILDING SITUATED IN A CONSERVATION AREA IN CONNECTION WITH FORMATION OF SMALL SCALE WORKSHOPS AND RETAIL UNITS at LAND R/O, 2 SOUTH MOLTON STREET, CHULMLEIGH, EX187BW	WITHDRAWN	29 June 1999
25897	LISTED BUILDING APPLICATION PROPOSED REMOVAL OF PART OF EXISTING COB BOUNDARY WALL TO SERVE AS SERVICE AND PEDESTRIAN ACCESS TO PROPOSED SMALL SCALE WORKSHOPS AND RETAIL UNITS at RED LION HOTEL, , EAST STREET, CHULMLEIGH, EX187DD	WITHDRAWN	29 June 1999
47533	LISTED BUILDING APPLICATION FOR DEMOLITION TO REAR, INTERNAL ALTERATIONS, PROVISION OF	WITHDRAWN	11 December 2008

Reference Number	Proposal	Decision	Decision Date
	HOLIDAY FLATS, ERECTION OF NEW HOLIDAY ACCOMMODATION, ALTERATIONS TO FLATS WITH SUBDIVISION OF SHOP TO PROVIDE 2 SHOPS at RED LION HOTEL, EAST STREET, CHULMLEIGH, EX187DD		
49583	REPLACEMENT OF 3 WINDOWS & INSERTION OF 1 WINDOW TO WEST ELEVATION (AMENDED DESCRIPTION) at THE RED LION HOTEL, EAST STREET, CHULMLEIGH, DEVON, EX18 7DD	WITHDRAWN	19 January 2010
49449	LISTED BUILDING APPLICATION FOR REPLACEMENT OF 3 WINDOWS & INSERTION OF 1 WINDOW TO WEST ELEVATION at RED LION HOTEL, EAST STREET, CHULMLEIGH, DEVON, EX18 7DD	LB (EXECUTION WORKS) APPROVAL	26 January 2010
49219	LISTED BUILDING CONSENT FOR REPLACEMENT WOODEN DOOR at OLD SCHOOL HOUSE, EAST STREET, CHULMLEIGH, DEVON, EX18 7DD	LB (EXECUTION WORKS) APPROVAL	15 April 2010
47848	DEMOLITION OF REAR EXTENSIONS AT REAR OF PROPERTY, INTERNAL ALTERATIONS, PROVISION OF 3 HOLIDAY UNITS IN EXISTING SERVICE BUILDINGS AND ERECTION OF 1 HOLIDAY UNIT AT REAR, ALTERATIONS TO FLATS AT 2 SOUTH MOLTON STREET TO PROVIDE ADDITIONAL FLAT, SUBDIVISION OF SHOP AT GROUND FLOOR OF 2 SOUTH MOLTON STREET TO PROVIDE 2 SHOP UNITS (AMENDED DESCRIPTION) at THE RED LION HOTEL, THE RED LION HOTEL, EAST STREET, , , CHULMLEIGH, DEVON, EX18 7DD	FULL PLANNING + S106 APPROVAL	21 July 2010
47849	LISTED BUILDING APPLICATION FOR DEMOLITION OF REAR EXTENSIONS AT REAR OF PROPERTY, INTERNAL ALTERATIONS, PROVISION OF 3 HOLIDAY UNITS IN EXISTING SERVICE BUILDINGS AND ERECTION OF 1 HOLIDAY UNIT AT REAR, ALTERATIONS TO FLATS AT 2 SOUTH MOLTON STREET TO PROVIDE ADDITIONAL FLAT, SUBDIVISION OF SHOP AT GROUND FLOOR OF 2 SOUTH MOLTON STREET TO PROVIDE 2 SHOP UNITS (AMENDED	LB (EXECUTION WORKS) APPROVAL	22 July 2010

Reference Number	Proposal	Decision	Decision Date
	DESCRIPTION) at THE RED LION HOTEL, THE RED LION HOTEL, EAST STREET, , , CHULMLEIGH, DEVON, EX18 7DD		
52781	RETROSPECTIVE APPLICATION FOR SITING OF EIGHT NON-ILLUMINATED WALL MOUNTED SIGNS & THREE STATUES (REVISED APPLICATION) at THE RED LION HOTEL, EAST STREET, CHULMLEIGH, DEVON, EX18 7DD	ADVERT APPROVAL	29 April 2013
52782	RETROSPECTIVE LISTED BUILDING CONSENT FOR SITING OF EIGHT NON-ILLUMINATED WALL MOUNTED SIGNS & THREE STATUES (REVISED APPLICATION) at THE RED LION HOTEL, EAST STREET, CHULMLEIGH, DEVON, EX18 7DD	LB (EXECUTION WORKS) APPROVAL	29 April 2013
57421	RETROSPECTIVE APPLICATION FOR SITING OF ONE NON-ILLUMINATED FASCIA SIGN at THE RED LION HOTEL, EAST STREET, , , CHULMLEIGH, DEVON, EX18 7DD	ADVERT APPROVAL	20 June 2014
57422	RETROSPECTIVE LISTED BUILDING APPLICATION FOR SITING OF ONE NON-ILLUMINATED FASCIA SIGN & INSTALLATION OF WINDOW SHUTTERS at THE RED LION HOTEL, EAST STREET, , , CHULMLEIGH, DEVON, EX18 7DD	LB (EXECUTION OF WORK) REFUSAL	20 June 2014
57946	INTERNAL ALTERATIONS TO FLATS & SHOPS TOGETHER WITH ERECTION OF BALCONIES at 2 SOUTH MOLTON STREET, , , CHULMLEIGH, DEVON, EX18 7BW	FULL PLANNING APPROVAL	3 October 2014
57991	RETROSPECTIVE LISTED BUILDING APPLICATION FOR THE INSTALLATION OF WINDOW SHUTTERS at THE RED LION HOTEL, EAST STREET, , , CHULMLEIGH, DEVON, EX18 7DD	LB (EXECUTION WORKS) APPROVAL	13 October 2014
63368	CONVERSION OF GROUND FLOOR RETAIL AREA TO FORM ADDITIONAL LIVING ACCOMMODATION TOGETHER WITH CONVERSION OF LOFT SPACE TO FORM ADDITIONAL LIVING ACCOMMODATION at 4 South Molton Street Chulmleigh Devon EX18 7BW	FULL PLANNING APPROVAL	24 August 2017

Reference Number	Proposal	Decision	Decision Date
63688	ALTERATIONS TO SHOP FRONT at 2 South Molton Street Chulmleigh Devon EX18 7BW	FULL PLANNING APPROVAL	19 October 2017
72048	Conversion of workshop and store to furniture making workshop including alterations and extension. at 2 South Molton Street Chulmleigh Devon EX18 7BW	Approved	6 November 2020
73744	Listed building application for replacement of four softwood windows with hardwood windows at Old School House East Street Chulmleigh Devon EX18 7DD	Withdrawn Invalid	25 November 2021
71782	Change of use of ground floor to 2 bed unit, conversion of outbuildings to x3 garages & conversion of storage buildings to x2 residential units. Erection of x1 residential unit with additional access at 2 South Molton Street Chulmleigh Devon EX18 7BW	Approved	17 August 2022
77090	Listed building consent for replacement of 4 windows at Old School House East Street Chulmleigh Devon EX18 7DD	Approved	29 September 2023

Constraints/Planning Policy

Constraint / Local Plan Policy	Distance (Metres)
Adjacent to Conservation Area: 12 Chulmleigh Adopted 13/12/2011;	Within constraint
Advert Control Area Area of Special Advert Control	Within constraint
Ancient Woodland: DARTRIDGE WOOD Ancient & Semi-Natural Woodland	247.90
Burrington Radar Safeguard Area consultation required for: All buildings, structures, erections & works exceeding 45 metres in height.	Within constraint
Class II Road	
Class III Road	

Constraint / Local Plan Policy	Distance (Metres)
Conservation Area: 12 Chulmleigh Adopted 13/12/2011;	Within constraint
Landscape Character is:	Within constraint
Listed Building Adjacent: 1121.0 EH Ref 1325765 The Red Lion, East Street, Chulmleigh	Within constraint
Listed Building Adjacent: 1122.0 EH Ref 1106703 The Old School House, East Street, Chulmleigh	0.09
Listed Building Adjacent: 1123.0 EH Ref 1325784 The Old Manse, East Street, Chulmleigh	8.88
Listed Building Adjacent: 1133.0 EH Ref 1106707 Sunny Cottage, East Street, Chulmleigh	13.54
Listed Building Adjacent: 1194.0 EH Ref 1325748 Fishermans Cot, East Street (south side), Chulmleigh	7.29
Listed Building Adjacent: 1199.0 EH Ref 1152778 Devon House, South Molton Street (west side), Chulmleigh	15.40
Listed Building Curtilage (Adjacent to)	19.57
USRN: 27502030 Road Class:B Ownership: Highway Authority	4.13
USRN: 27502039 Road Class:B Ownership: Highway Authority/Private	7.27
USRN: 27502045 Road Class:C Ownership: Highway Authority	5.28
Within adopted Development Boundary: Chulmleigh DM04	Within constraint
Within Adopted Unesco Biosphere Transition (ST14)	Within constraint
Within Surface Water 1 in 100	Within constraint
Within Surface Water 1 in 1000	Within constraint

Conservation Area: CHULMLEIGH

DM01 - Amenity Considerations

DM02 - Environmental Protection

DM03 - Construction and Environmental Management

ST01 - Principles of Sustainable Development

Consultees

Name	Comment
Environmental Health Manager	Condition 8 - Land Contamination
Reply Received 12 January 2024	<p>I have reviewed the Contamination Reports South West Phase 1 Contamination Assessment Report dated July 2021. The report presents the results of a Phase 1 contamination assessment of the site having regard to the proposed end use and relevant standards and guidance.</p> <p>The report states the site is considered to be low risk with regards to contamination, radon and landfill gas and concludes that no contamination remedial measures are necessary.</p> <p>I note Condition 9 of Permission 71782 addresses the possibility that signs of unexpected contamination are encountered once development gets underway.</p>

Name	Comment
	<p>Given the above, Condition 8 can be discharged from an Environmental Health perspective.</p> <p>Condition 11 - Construction Environmental Management Plan</p> <p>I have reviewed the RDJW Limited Construction Environmental Management Plan dated 13 December 2023.</p> <p>The document is acceptable for the purposes of approval under Condition 11 of permission 71782 from an Environmental Protection perspective.</p>

Neighbours / Interested Parties

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

Considerations

Proposal Description

This application seeks to discharge the following condition(s) imposed on application 71782 (change of use of ground floor to 2 bed unit, conversion of outbuildings to x3 garages & conversion of storage buildings to x2 residential units. Erection of x1 residential unit with additional access);

8) Prior to the commencement of any site clearance, groundworks or construction, the Local Planning Authority shall be provided with the results of a phase one (desktop) survey for potential ground contamination. The report shall be prepared by a suitably qualified person and sufficient to identify any and all potential sources of ground contamination on any part of the development site. Thereafter, depending on the outcome of phase one, a proposal for any phase two (intrusive) survey that may be required along with any remediation strategy shall be presented to and agreed with the planning authority.

Reason:

In the interest of human health in accordance with Policy DM02 of the North Devon and Torridge Local Plan.

11) Prior to the commencement of development, including any site clearance, 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;
- g) Control of fugitive dust from site clearance 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) Measures for identifying and dealing with any asbestos containing materials.

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 be 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 amenity of local residents from potential impacts whilst site clearance, groundworks and construction is underway.

Planning Considerations Summary

The conditions were applied to planning permission 71783 in order to make the development acceptable in terms of planning policy and other material planning considerations.

The following information has been submitted and has been considered by the appropriate consultees.

Condition (8) Ground Contamination

As part of the permission for the development the Environmental Health Officer advised that due to the location of the property adjacent to an existing garage, commercial uses and workshops that a residential use could have a high sensitivity to the presence of land contamination.

The application has been supported by a South West Phase 1 Contamination Assessment Report dated July 2021. The report presents the results of a Phase 1 contamination assessment of the site having regard to the proposed end use and relevant standards and guidance.

The report states the site is considered to be low risk with regards to contamination, radon and landfill gas and concludes that no contamination remedial measures are necessary.

This has been reviewed by the Environmental Health Officer who is satisfied that condition 8 can be discharged.

Condition (11) CEMP

In order to ensure that nearby residents are not unreasonably affected by dust, noise or other impacts during the construction phase of the development a construction management plan.

The application has been supported by a Construction Environmental Management Plan by RDJW Limited dated 13 December 2023

The document has been reviewed by the Environmental Health Officer who has advised that it is acceptable for the purposes of discharging condition 11.

Conclusion

The application is considered to provide sufficient information to ensure that the scheme can address the requirements for 71782 (ground contamination and construction management) and accords with the adopted development plan. Approval of the application is therefore 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

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. Having now considered the submitted details 2838-RD-JWL-ZZ-XX-DR-A-1025 Construction Environmental Management Plan received on the 13/12/23 and the South West Phase 1 Contamination Assessment Report dated July 2021 for the above conditions the Local Planning Authority have determined that these are acceptable.

The requirement to provide acceptable details of these conditions is therefore discharged.

The works are now required to be carried out in accordance with these details.

Recommendation Date	Case Officer	Lead Officer	Admin	Check
22 February 2024	DB	TB		