

Application Report

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



Application No: 79488
Application Type: Discharge of Conditions
Application Expiry: 25 December 2024
Extension of Time Expiry:
Publicity Expiry: 19 December 2024
Parish/Ward: BURREINGTON/CHULMLEIGH
Location: Riverside House
Newnham Bridge
Umberleigh
Devon
EX37 9EU

Proposal: Approval of details in respect of discharge of condition 4 (ground contamination) attached to planning permission 77868 (Demolition of existing workshop building (following approval for conversion ref 77597) and erection of a detached dwelling house along with new access, amenity space, car parking and landscaping (amended description))

Agent: Mr Kevin Davies
Applicant: Mrs J Glenister
Planning Case Officer: Mr D. Jeffery

Departure:

EIA Development:

EIA Conclusion: Development is outside the scope of the Regulations.

Decision Level/Reason for Committee – The agent is a District Councillor

Report to Committee (If

Applicable):

Site Description

The application site lies in the countryside, approximately 2.75 miles north-west of Chulmleigh. It forms part of a wider pocket of development at the convergence of the A377, the B3226, the Tarka Railway Line and the River Taw north of Kings Nympton Railway Station. The railway line runs close to the eastern edge of the site.

The application site contains an existing dwelling and small cottage along with a steel framed garage/ workshop. The parts of the site proposed for development are not within an area at risk from flooding. However, part of the wider site closer to the river are within Flood Zones 1 and 2.

Recommendation

Approved

Legal Agreement Required: No

Planning History

Reference Number	Proposal	Decision	Decision Date
48447	DEMOLITION OF STEEL FRAMED BUILDING & ERECTION OF DOUBLE GARAGE WITH OFFICE & STORAGE ABOVE at RIVERSIDE HOUSE, NEWNHAM BRIDGE, UMBERLEIGH, EX379EU	FULL PLANNING APPROVAL	12 August 2009
50063	APPLICATION FOR A LAWFUL DEVELOPMENT CERTIFICATE IN RESPECT OF AN EXISTING USE OF AGRICULTURAL LAND AS DOMESTIC GARDEN at RIVERSIDE HOUSE, NEWNHAM BRIDGE, UMBERLEIGH, DEVON, EX37 9EU	CERT OF LAWFULNESS REFUSED	18 August 2010
60829	APPLICATION FOR A LAWFUL DEVELOPMENT CERTIFICATE FOR THE EXISTING USE OF LAND AS DOMESTIC GARDEN & FOR THE SITING OF THE EXISTING SHED at RIVERSIDE HOUSE, NEWNHAM BRIDGE, , UMBERLEIGH, DEVON, EX37 9EU	CERT. OF LAWFULNESS ISSUED	3 July 2016
74839	Application for a lawful development certificate for existing use as a dwellinghouse at The Cottage Riverside House Newnham Bridge Umberleigh Devon EX37 9EU	Approved	10 May 2022
75571	Application for a lawful development certificate for existing use of two storey building attached to Riverside House as an independent dwellinghouse at Annexe Riverside House Newnham Bridge Umberleigh Devon EX37 9EU	Approved	9 September 2022
77597	Conversion of garage / workshop to create a four bedroom dwelling together with new access (Amended Description). at Riverside House Newnham Bridge	Approved	11 January 2024

Reference Number	Proposal	Decision	Decision Date
	Umberleigh Devon EX37 9EU		
76435	Demolition of existing workshop building and erection of a detached house with an integral garage, amenity space, car parking, access and landscaping, together with a change of use from two houses to one house by the re-integration of an existing annex dwelling into the main house at Riverside House Newnham Bridge Umberleigh Devon EX37 9EU	Not Determined	22 January 2024
77868	Demolition of existing workshop building (following approval for conversion ref 77597) and erection of a detached dwelling house along with new access, amenity space, car parking and landscaping (amended description). at Riverside House Newnham Bridge Umberleigh Devon EX37 9EU	Approved	4 April 2024
79152	Application for a non-material amendment to planning permission 77868 (demolition of existing workshop building (following approval for conversion ref 77597) and erection of a detached dwelling house along with new access, amenity space, car parking and landscaping (amended description)) in respect of minor re-positioning of the proposed new house, reduction in footprint, amended fenestration, external materials (walls and roof) and inclusion of glazed section to covered veranda on south elevation at Riverside House Newnham Bridge Umberleigh Devon EX37 9EU	Approved	9 October 2024
76435	Demolition of existing workshop building and erection of a detached house with an integral garage, amenity space, car parking, access and landscaping,	DISMISSED	15 January 2024

	together with a change of use from two houses to one house by the re-integration of an existing annex dwelling into the main house at Riverside House Newnham Bridge Umberleigh Devon EX37 9EU		
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Constraints/Planning Policy

Constraint / Local Plan Policy	Distance (Metres)
Advert Control Area Area of Special Advert Control	Within constraint
Ancient Woodland: BRIDGE WOOD Ancient & Semi-Natural Woodland	50.6599999999999936
Ancient Woodland: HEAD WOOD (NORTH) Ancient & Semi-Natural Woodland	388.18
Ancient Woodland: HEAD WOOD (NORTH) Ancient Replanted Woodland	370.89
Ancient Woodland: NEWHAM WOOD Ancient & Semi-Natural Woodland	437.91
Burrington Radar Safeguard Area consultation required for: All buildings, structures, erections & works exceeding 15 metres in height.	Within constraint
Burrington Radar Safeguard Area consultation required for: All buildings, structures, erections & works exceeding 45 metres in height.	Within constraint
Land is potentially contaminated, site was used for:Railways, Is ranked:MEDIUM, Year:1891	12.03
Land is potentially contaminated, site was used for:Railways, Is ranked:MEDIUM, Year:1906	12.03
Land is potentially contaminated, site was used for:Railways, Is ranked:MEDIUM, Year:1964	12.03
Landscape Character is: 3C Sparsely settled farmed valley floors	Within constraint
USRN: 27506537 Road Class:A Ownership: Highway Authority	2.99
Within 10m of Network Rail Line	8.38000000000000128
Within Adopted Unesco Biosphere Transition (ST14)	Within constraint

Constraint / Local Plan Policy	Distance (Metres)
Within Flood Zone 2	Within constraint
Within Flood Zone 3	Within constraint
Within Surface Water 1 in 1000	Within constraint
DM01 - Amenity Considerations DM02 - Environmental Protection DM04 - Design Principles ST01 - Principles of Sustainable Development	

Consultees

Name	Comment
Environmental Health Manager Reply Received	<p>I have reviewed the Terra Firma Phase 1 Contaminated Land Desk Study Report dated 22 April 2024 and Ground Investigation Report dated 3 October 2024.</p> <p>The Ground Investigation Report presents the results of an intrusive investigation and contamination risk assessment of the site having regard to the proposed end use and relevant standards and guidance. The report concludes that the site can be classified as low risk in terms of contamination and no specific remedial measures or further assessments are identified as necessary. Basic radon protection measures are identified as required in line with building regulations requirements.</p> <p>I note that Condition 5 of Permission 77868 addresses the possibility that unexpected contamination could be encountered during development work. Given the above, Condition 4 can be discharged from an Environmental Health perspective.</p>

Neighbours / Interested Parties

Comments	No Objection	Object	Petition	No. Signatures
0.0	0.0	0.0	0.0	0.0

Considerations

Proposal Description

This application seeks to discharge the following condition 4 (ground contamination) attached to planning permission 77868 (Demolition of existing workshop building (following approval for conversion ref 77597) and erection of a detached dwelling house along with new access, amenity space, car parking and landscaping. The condition reads as follows:

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.

Planning Considerations Summary

The condition was applied to planning permission 77868 in order to make the development acceptable in terms of planning policy, in particular to ensure that any risk of ground contamination on the site is adequately assessed.

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

- Phase 1 Contaminated Land Desk Study Report By Terra Firma - Tf 24 066 Ex P1
- Terra Firma Ground Investigation Report - Tf 24 066 R001 Gir Final 01

The Council's Environmental Health Officer has commented as follows:

"I have reviewed the Terra Firma Phase 1 Contaminated Land Desk Study Report dated 22 April 2024 and Ground Investigation Report dated 3 October 2024. The Ground Investigation Report presents the results of an intrusive investigation and contamination risk assessment of the site having regard to the proposed end use and relevant standards and guidance. The report concludes that the site can be classified as low risk in terms of contamination and no specific remedial measures or further assessments are identified as necessary. Basic radon protection measures are identified as required in line with building regulations requirements.

I note that Condition 5 of Permission 77868 addresses the possibility that unexpected contamination could be encountered during development work.

Given the above, Condition 4 can be discharged from an Environmental Health perspective".

Conclusion

The application is considered to provide sufficient information to ensure that the scheme can address the requirements for ground contamination assessment 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:

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- 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 following submitted details in order to discharge condition 4 of permission 77868:
 - Phase 1 Contaminated Land Desk Study Report By Ter 2751 Phase 1 Contaminated Land Desk Study Report by Terra Firma TF-24-066-EX-P1 - (D)_compressed(1) received on the 30/10/24
 - Terra Firma Ground Investigation Report Tf 24 066 2751 Terra Firma Ground Investigation Report TF-24-066-R001-GIR FINAL 01(1) (1) received on the 30/10/24

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.