

## Committee Report – 28<sup>th</sup> July 2022

**Application Number:** 1/0343/2022/FUL

**Registration date:** 4 April 2022

**Expiry date:** 30 May 2022

**Applicant:** Mr Simon Morris

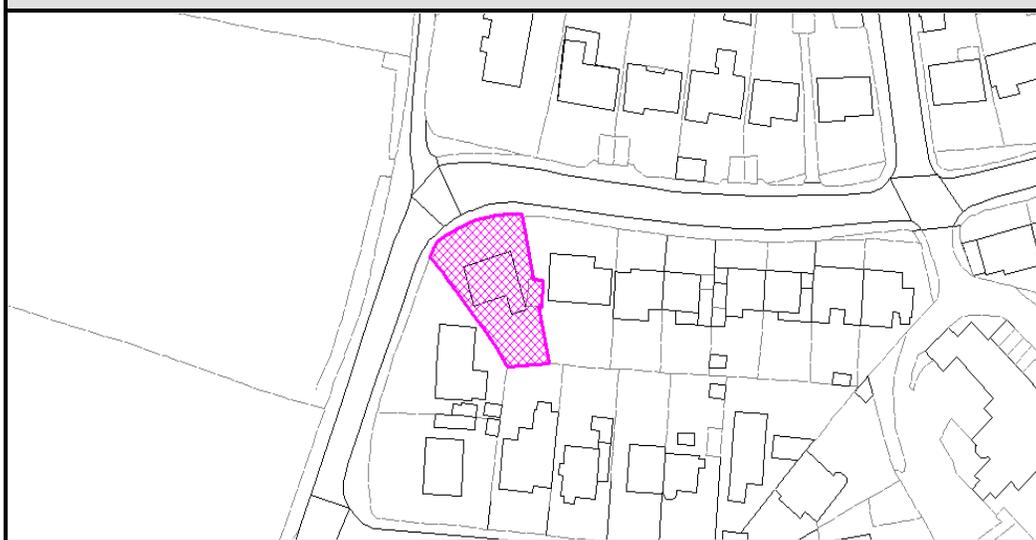
**Agent:** OCR Architecture Ltd

**Case Officer:** Angelo Massos

**Site Address:** 43 Staddon Road,  
Appledore,  
Bideford,  
Devon,  
EX39 1RF,

**Proposal:** Demolition of single dwelling and replacement with new energy efficient single dwelling with associated landscape works (Amended plans and additional supporting information)

**Recommendation:** Grant



## Reason for referral:

Councillor Hames has called the application to Plans Committee if the Officer is minded to approve the application stating the following concerns:

1. ST01 Principles of Sustainable Development. Demolition fails policy ref 'prudent use of resources and minimise waste and pollution'
2. ST02 Mitigating Climate Change. Demolition doesn't contribute to environmental sustainability or minimise the environmental footprint.
3. ST05 Sustainable Construction and Buildings. Demolition fails to reduce resource use.
4. DM01 Amenity Considerations. Overlooking and shading of neighbour's property.
5. Construction disturbance.
6. No statement supplied of visual impact on AONB and Northam Burrows SSSI

## Relevant History:

None of relevance.

## Site Description & Proposal

### Site Description

The site is located in the residential estate known as Staddon Road, which is set within the built-up area of the settlement of Appledore. The site is a corner plot which slopes from north to south and is comprised of a single storey bungalow with a detached garage which forms an aspect of the eastern boundary.

The site includes driveway parking and the existing dwelling benefits from a single storey extension to the rear, which forms an obscure screen between the existing raised balcony and the neighbouring dwelling to the east. The existing raised balcony benefits from views towards south and west which overlook Northam Burrows and Bideford Bay.

### Proposed Development

The application seeks full planning permission for the demolition of the existing dwelling and its reorientation and replacement with a new energy efficient single dwelling with associated landscape works. During the initial consultation a number of concerns were raised regarding harm to the protected landscape from glare from the proposed glazing, need for demolition, amenity disturbance during the construction phase, overlooking and loss of daylight, and amenity harm from potential asbestos. These concerns raised have been sought to be addressed by the submission of additional information which includes, a detailed landscaping plan with boundary treatment and a sustainability statement.

## Consultee representations:

### Northam Town Council:

#### First Response

Northam Town Council recommended this proposal for approval.1/0343/2022/FUL

#### Second Response

It was resolved to recommend that this application be approved.

### Devon County Council (Highways):

#### First Response

No representations received.

## Second Response

No representations received.

## **Environmental Protection Officer:**

### First Response

In relation to the above application, the Environmental Protection Team has no objections in principle.

Due to the proximity of existing neighbouring dwellings, there is the potential for detriment to residential amenity from the construction works associated with the proposed development if control measures are not in place. Should planning consent be granted, the Environmental Protection Team recommends a condition restricting construction works and delivery times to 0700 to 1900 hours Monday to Friday and 0800 to 1300 hours on Saturdays only with no works permitted on Sundays and Bank Holidays in order to protect residential amenity.

### Second Response

Further to the submission of the revised information, the Environmental Protection Team reiterates its comments from the consultation response dated 4 April in that it has no objections but recommends the imposition of a condition on construction working hours.

## **Representations:**

Number of neighbours consulted:	9	Number of letters of support:	2
Number of representations received:	7	Number of neutral representations:	1
Number of objection letters:	4		

A number of interested third parties provided representations both in support and objection to the application. Their comments are summarised as follows:

### First Response:

#### Support

- Design enhances character and appearance
- Sustainable development

#### Objection

- Impact to protected landscape from glazing
- Need to demolish existing dwelling
- Highway safety, reduction in visibility
- Amenity disturbance from construction works and potential removal of asbestos
- Harm to character and appearance from design and scale
- Amenity harm from overlooking, loss of daylight and shading
- Ground stability from excavation works to neighbouring dwelling

### Second Response:

- Ground stability from excavation works to neighbouring dwelling
- Precedent for further rebuilding
- Foul Drainage Connection

## **Policy Context:**

### **North Devon and Torrington Local Plan 2011-2031:**

ST01 (Principles of Sustainable Development); ST02 (Mitigating Climate Change); ST03 (Adapting to Climate Change and Strengthening Resilience); ST04 (Improving the Quality of Development); ST05 (Sustainable Construction and Buildings); ST06 (Spatial Development Strategy for Northern Devon's Strategic and Main Centres); ST14 (Enhancing Environmental Assets); ST16 (Delivering Renewable Energy and Heat); DM01 (Amenity Considerations); DM02 (Environmental Protection); DM04 (Design Principles); DM05 (Highways); DM06 (Parking Provision); DM08A (Landscape and Seascape Character); DM08 (Biodiversity and Geodiversity);

**Government Guidance:**

NERC (Natural Environment & Rural Communities); NPPF (National Planning Policy Framework); NPPG (National Planning Practice Guidance); WACA (Wildlife & Countryside Act 1981);

**Planning Considerations**

The main planning considerations are as follows:

- 1. Principle**
- 2. Character and Appearance upon Landscape**
- 3. Neighbouring Amenity**
- 4. Environmental Impact**
- 5. Highways**
- 6. Ecology**

**1. Principle**

The site is located within the development boundary of Appledore; Policy ST06 of the North Devon and Torridge Local Plan (NDTLP) must be applied. Policy ST06 permits development providing it is of a nature and scale which is appropriate to the function of the existing site.

Policy ST01: Principles of Sustainable Development states the Councils will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

Policy ST02: Mitigating Climate Change set out an expectation for development to make a positive contribution towards the social, economic and environmental sustainability of northern Devon and its communities while minimising its environmental footprint by:

- (a) reducing greenhouse gas emissions by locating development appropriately and achieving high standards of design;
- (b) conserving and enhancing the natural, built and historic environment through the prudent use of key resources including land, buildings and energy, whilst protecting and enhancing the area's biodiversity, geodiversity, landscape, coastline, air, water, archaeology and culture;
- (c) ensuring a balanced mix of uses where development takes place in environmentally, socially and economically sustainable locations by reducing the need to travel, especially by car, and facilitating a step-change towards the use of sustainable modes of transport including walking, cycling and public transport;
- (d) promoting opportunities for renewable and low-carbon energy generation whilst conserving and enhancing the natural and built environment;
- (e) redeveloping previously developed land and reducing, reusing and recycling resources, including construction materials, providing for more efficient use of facilities and enhanced opportunities for recycling; and
- (f) reducing pressure on water resources and increasing their reuse through sustainable water management.

Policy ST05: Sustainable Construction and Buildings requires; all new major development proposals will make a positive contribution towards the creation of resilient and cohesive communities and ensure that built and environmental assets can adapt to and be resilient to climate change.

Policy ST16: Delivering Renewable Energy and Heat states, proposals for development incorporating on-site provision of renewable energy (other than wind energy) or renewable heat and/or low carbon technologies will be supported and encouraged where appropriate.

During the initial public consultation, a number of third parties raised objection to the need for the demolition of the existing dwelling, furthermore, within the call-in reason, Councillor Hames raised

concerns regarding the sustainability for assessing embodied carbon and environmental footprint of the development.

Following the initial public consultation, the applicant's agent provided a sustainability statement which provides an assessment of the existing building as well as providing a rationale for the proposed replacement. The sustainability statement explores alternative proposals to refurbish the existing dwelling, however, given the extent of works required to deliver a high-quality development adopting principles of Passivehaus, it is put forward that the most effective way to achieve this is through replacement.

Given the site's location set within the urban setting of Appledore, the principle of development is assessed against the above Policies, except for Policy ST05. Policy ST05 is not applicable in this instance because the development proposed is not 'major'.

Policy ST02 sets out expectations for development to reduce greenhouse gas emissions and ensure the prudent use of key resources. The adopted policies within the current Local Plan do not enable the capture of, nor assessment of, the embodied carbon within the existing built form. The policy focus is upon the location and final use of the proposed development in terms of minimising the need and use of resources through high quality design and incorporating renewable energy resources.

The proposed development seeks to adopt Passivehaus principles within the proposed design, that firstly seeks a fabric first design that ensures high level of air tightness, double / triple glazed aluminium windows with size, proportion and orientation to reflect solar gain / heat loss to ensure passive benefits to the proposed house. The proposal seeks to incorporate an air source heat pump and solar PV panel to maximise renewable gain.

In this instance the proposed replacement dwelling is located in a sustainable location and seeks to be future proofed to mitigate and adapt to the pressures of climate change, that thus reduces the dependency upon finite resources. Therefore, the proposal accords with Policies ST01, ST02, ST06 and ST16 and therefore is acceptable in principle, subject to other Policy considerations.

## **2. Character and Appearance upon Landscape**

Policy ST04: Improving the Quality of Development, Policy DM04: Design Principles and Policy DM08A of the NDTLP requires development to achieve high quality inclusive and sustainable design to support the creation of successful, vibrant places. Development must be part of clear process that responds to a site. Development must be appropriate and sympathetic to its setting in terms of scale, density, massing, height, layout appearance, fenestration, materials and relationship to buildings and landscape features in the locality and reinforce the key characteristics and special qualities of the area in which the development is proposed, contribute positively to local distinctiveness and sense of place and retain and integrate existing landscape features and biodiversity to enhance networks and promote diversity and distinctiveness of the surrounding area.

During the initial public consultation representations were received that both supported and objected to the proposed design. Furthermore, concerns were raised regarding the proposed visual impact of the development upon the protected AONB landscape particularly from views within the Northam Burrows.

The proposed design seeks a contemporary scheme that will utilise a mixture of external materials that include slate tiles, brick and larch vertical cladding. The proposed scale of development will introduce a first-floor element that capitalises upon the topography of the site whilst maintaining a single storey element from the street scene. The design will ensure the height of the ridge will be in alignment with the neighbouring dwelling at number 41 and the reorientation of the dwelling will maintain a linear continuity of the built line within the street scene. The surrounding character and appearance of existing developments within the vicinity of the site are varied. Therefore, the development is not considered to result in significant harm in terms of character and appearance within the existing street scene and wider setting of the site.

The proposed glazing to the western first floor gable is proposed to be conditioned to ensure the window uses anti-glare glazing to prevent the development from resulting in landscape harm to the protected AONB landscape as the site is visible from Northam Burrows.

In light of the above the development is considered to accord with the above design and landscape policies.

### **3. Neighbouring Amenity**

Policy DM01 requires development to maintain amenity appropriate to the locality and not to result in a significant loss of amenity for the occupiers of neighbouring dwellings.

As a part of the application Northam Town Council were consulted and provide a recommended for approval of the application. However, during the initial consultation a number of third-party objections were received that raised the following concerns: disturbance during the construction phase, overlooking and loss of daylight, amenity harm from potential asbestos.

The Environmental Protection Officer was consulted and recommended the hours of construction and delivery are conditioned to protect amenity during the construction phase. The hours of construction works are set out within recommended condition 3.

The concerns raised regarding overlooking have sought to be addressed by the erection of a 1.7 timber privacy screen that would be secured in perpetuity via recommended condition 6 to be erected prior to the first occupancy of the replacement dwelling. The loss of natural daylight from the proposal to the neighbouring dwelling number 41 is considered to not result in significant harm given there will be a 4-metre separation between the two dwellings. The development will not result in significant shading given the orientation of the dwelling will be in alignment with number 41 with both dwellings benefiting from southern rear elevations.

Additionally, concerns were raised regarding the proposed construction works and excavation undermining the structural stability of the neighbouring dwelling to the eastern boundary with number 41. Nonetheless, the matter regarding the excavation works is a civil matter that can be secured via a party wall agreement. Informative 1 informs the applicant that prior to the commencement of any works a party wall agreement needs to be secured in writing between interested parties.

In light of the above, the proposed scale and location of the development would not cause significant adverse impact on the amenities of occupiers of nearby dwellings in terms of overlooking, loss of privacy, dominance, overshadowing, loss of daylight or sunlight. Therefore, the proposal accords with Policy DM01.

### **4. Environmental Impact**

Policy DM02 requires that development does not result in unacceptable impacts from contaminated land, pollution to water from surface or ground and the atmosphere.

During the initial public consultation concerns were raised regarding the potential for hazardous material to be exposed into the environment during demolition works with particular concern regarding asbestos. Therefore, a pre-commencement condition detailed in condition 4 has been agreed to provide a construction management plan to ensure the development does not result in any environmental harm.

The site's foul drainage will utilise the existing system which connects into mains sewer; a third party has raised concerns regarding the increase in loading capacity of the system. As the site discharges into the mains sewer the additional loading from the increase in the occupancy of the dwelling is considered to have a negligible difference, nonetheless, in the event any pipeline is required to be replaced or moved, an easement agreement with South West Water would likely be required to be obtained. Informative 2 informs the applicant to contact South West Water regarding the need for an easement agreement. Therefore, the proposal accords with Policy DM02.

## **5. Highways**

Policy DM05: Highways and Policy DM06: Parking Provision require that all development must take account of its impact on highway safety and provide appropriate access, servicing and suitable amount of parking.

As a part of the application the DCC Highway Authority were consulted and provided no representation. However, given the scale of development DCC Highways standing advice has been applied. The proposed development is considered to result in a negligible difference in terms of the provision of parking and access onto the highway. During the public consultation concerns were raised regarding the reduction in highway visibility by the re-orientation of the dwelling on the corner plot. It is acknowledged Staddon Road is utilised for car parking during the school drop of and pick up periods. However, the proposed re-orientation of the dwelling is not considered to give rise to severe highway safety as the proposal maintains an approximate 6-metre visibility between the built form and the highway. Therefore, the proposal is considered to accord with Policies DM05 and DM06.

## **6. 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 2010 (Habitats Regulations 2010).

This is further reinforced within the NDTLP through Policies ST14 and DM08, which require development to maintain or where possible enhance biodiversity and mitigate the potential loss of habitats. Policy ST14 promotes the addition of providing net gain where possible through management, expanded network of designated sites and green infrastructure.

A wildlife trigger list and Preliminary Ecological Appraisal Report were provided that evidence there is no presence of protected species, and the site has a negligible suitability for bats. Therefore, no further surveys are required. Nonetheless, proposed informative 3 informs the applicant that should any protected species be discovered, then works should cease and advice sought from a licenced Ecologist or The National Bat Helpline. Therefore, in light of the above, the application is considered to accord with Policies ST14 and DM08.

## **Conclusion**

In conclusion, the principle of development is supported, and the proposed development would not cause significant harm to the character and appearance of the site and the wider landscape, highways safety, neighbouring amenity, the environment and ecology. Therefore, the proposal would be in accordance with the NDTLP Policies ST01, ST02, ST03, ST04, ST06, ST14, ST16, DM01, DM02, DM04, DM05, DM06, DM08 and DM08A.

## **Human rights**

Consideration has been given to the Human Rights Act 1998.

## **Conclusion**

It is therefore considered that subject to the compliance with the attached conditions and taking into account all other material planning considerations, including the development plan the proposal would be acceptable.

## **Recommendation**

GRANT subject to the following conditions

- 1 The development to which this permission relates must be begun no 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 time requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the approved plans listed in the Plans Schedule.

Reason: To ensure the development is carried out in accordance with the approved plans.

- 3 Construction works and delivery times shall not take place other than between 0700hrs and 1900hrs on Mondays to Fridays, Saturdays between 0800hrs and 1300hrs and at no time on Sundays and Bank Holidays.

Reason: To protect the amenities of neighbouring properties to thus accord with Policy DM01 in the North Devon and Torridge Local Plan.

- 4 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period.

The Statement shall provide for:

- identifying any potentially hazardous waste (e.g., asbestos) and detailing methods for the removal and disposal in the event hazardous waste is discovered.
- measures to control the emission of dust and dirt during construction

Reason: In the interests of residential amenity.

- 5 Prior to occupation of the development hereby approved, anti-glare glazing shall be installed to the first-floor window in the west elevation, as indicated by the approved elevation plan reference 2032 P 006 01, and shall be retained thereafter.

Reasons: To ensure the development does not result in harm to the protected landscape to accord with Policy DM08A in the North Devon and Torridge Local Plan 2018.

- 6 A 1.7 metre height privacy screen, as indicated on approved plans referenced 2032P 006 01 and 2032P 008 01, shall be erected prior to the first occupation of the replacement dwelling hereby approved and shall be retained in perpetuity.

Reason: To protect the amenity of neighbouring dwellings to thus accord with Policy DM01 in the North Devon and Torridge Local Plan.

## Plans Schedule

Reference	Received
2032 P 001 00	31.03.2022
2032 P 002 00	31.03.2022
2032 P 003 00	31.03.2022
2032 P 004 00	31.03.2022
2132 P 007 00	31.03.2022
2032 P 005 01	06.06.2022
2032 P 006 01	06.06.2022
2032 P 008 01	06.06.2022

## **Informatives**

01. The applicant is advised to secure a party wall agreement with interested third parties prior to commencing development in accordance with the Party Wall Act 1996.
- 0.2 The applicant is advised to contact South West Water regarding the need to enter into an easement agreement in the event a South West Water asset is required to be replaced or moved as a result of the development.
- 0.3 The applicant is advised when carrying out the proposed development it will be necessary to comply with the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 1991.

Should any protected species be discovered during the development the applicant is advised to contact either Orbis Ecology 01626 638042 [enquiries@orbisecology.co.uk](mailto:enquiries@orbisecology.co.uk), or The National Bat Helpline 03451300228 <http://www.bats.org.uk/pages/help.html>.

## **Statement of Engagement**

In accordance with paragraphs 38 of the National Planning Policy Framework (NPPF) in dealing with this application, the Council has worked with the applicant in the following positive and proactive manner. In this instance there was no need for further engagement as the development as submitted is considered to accord with the development plan. In such ways the Council has demonstrated a positive and proactive manner in seeking solutions to problems arising in relation to the planning application.