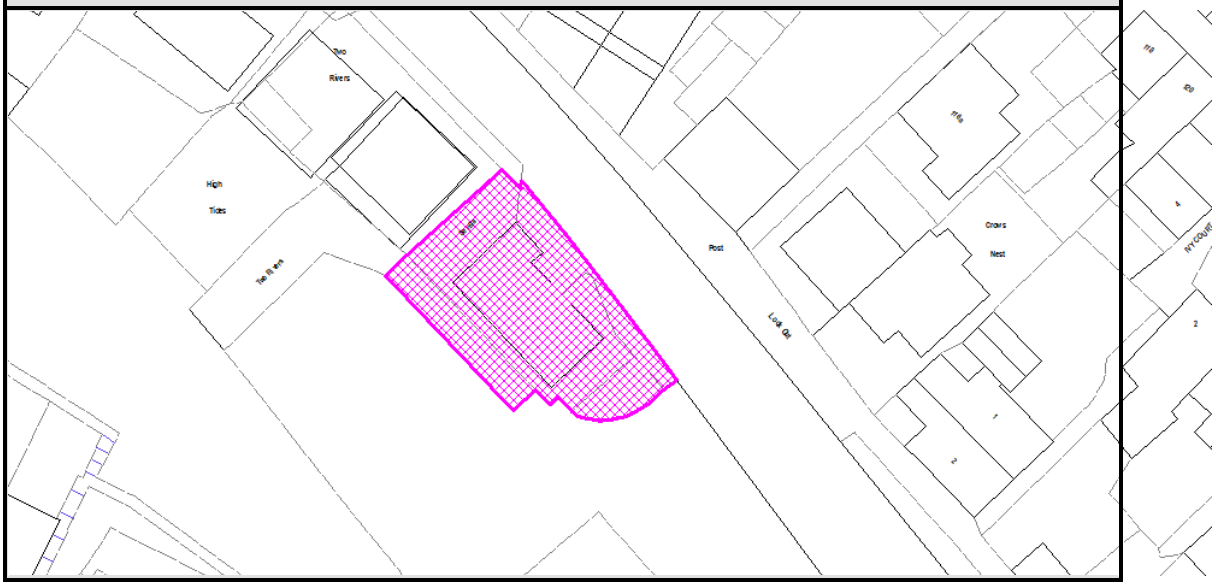
Committee Report – 30 March 2023

Application Number:	1/0039/2023/FUL
Registration date:	23 January 2023
Expiry date:	20 March 2023
Applicant:	Mr & Mrs Walton
Agent:	KOST Architects
Case Officer:	Sarah Boyle
Site Address:	Still Waters, Torridge Road, Appledore, Bideford, Devon, EX39 1SQ
Proposal:	Demolition of existing dwelling and erection of replacement dwelling.
Recommendation:	Grant



Reason for referral:

The application has been called in by the Ward Member Councillor Hames, if minded to approve, for the following reason:

'Loss of public parking due to creation of private parking for three cars in the context of the limited availability of public parking spaes in Appledore. This is ocntrary to Local Plan policies DM01 (Amenity), DM04 (h) (Design) and DM06 (Parking Provision) regarding adverse effect on the amenity of neighbouring properties and provision of parking for new developments.'

Relevant History:

Application No.	Description	Status	Closed
1/0572/2022/FUL	Addition of 2 storeys to existing bungalow and enhancements to external appearance throughout.	PER	03.11.2022

Site Description & Proposal

Site Description
The application site is located in Appledore, which is designated as a Main Centre in the North Devon and Torridge Local Plan. The site is within a predominantly residential area and is accessed off a classified highway. It sits outside of, but within close proximity and seen as a backdrop to, the Conservation Area.

The site benefits from an extant planning permission under application 1/0572/2022/FUL (approved November 2022) which was for *'Addition of 2 storeys to existing bungalow and enhancements to external appearance.'*

Proposed Development
The application seeks planning permission for the demolition of existing dwelling and the erection of a replacement dwelling. The reason behind the application is that although the application mimics the current approval in place, they differ due to the inability of the foundations to carry the new loads from above thus requiring the demolition of the existing building and design of new foundations and ground floor structure ensuring a holistic structural design approach.

There are two changes that have been introduced now that the proposal seeks the demolition of the dwelling:

1. The lower ground floor garage has been widened to ensure a vehicle can park comfortably.
2. The building has got 1m wider (east-west axis). This axis was previously constrained by the existing footprint.

The dwelling proposed would consist of:
Lower Ground floor - Parking
Ground floor - 3 bedrooms (1 with en-suite), bathroom and utility.
First floor - Kitchen/dining room and a Living room.
Second floor - Master bedroom with ensuite (shower and bathroom), terrace to the north and terrace and patio to the rear.

The materials to be used would be natural stone and timber for the elevations, natural slate for the roof and PPC aluminium for the windows and doors.

Consultee representations:

Northam Town Council:
It was resolved to recommend the proposal be refused on the grounds that the proposed development and associated parking would have a detrimental impact on the public highway and on-road parking in the immediate vicinity.

South West Water:
I refer to the above application and would advise the applicant/agent to contact South West Water to progress the surface water drainage strategy with us at their earliest convenience.

Clean Potable Water
South West Water is able to provide clean potable water services from the existing public water main for the above proposal. The practical point of connection will be determined by the diameter of the connecting pipework being no larger than the diameter of the company's existing network.

Foul Sewerage Services
South West Water is able to provide foul sewerage services from the existing public foul or combined sewer in the vicinity of the site. The practical point of connection will be determined by the diameter of the connecting pipework being no larger than the diameter of the company's existing network.
The applicant can apply to South West Water for clarification of the point of connection for either clean potable water services and/or foul sewerage services. For more information and to download the application form, please visit our website:
www.southwestwater.co.uk/developers

Surface Water Services
The applicant should demonstrate to your LPA that its prospective surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable (with evidence that the Run-off Destination Hierarchy has been addressed, and reasoning as to why any preferred disposal route is not reasonably practicable):
1. Discharge into the ground (infiltration); or where not reasonably practicable,
2. Discharge to a surface waterbody; or where not reasonably practicable,
3. Discharge to a surface water sewer, highway drain, or another drainage system; or where not reasonably practicable,
4. Discharge to a combined sewer. (Subject to Sewerage Undertaker carrying out capacity evaluation)
Having reviewed the applicant's current information as to proposed surface water disposal for its development, please note that discharge to the public combined sewerage network is **not** an acceptable proposed method of disposal, in the absence of clear evidence to demonstrate why the preferred methods listed within the Run-off Destination Hierarchy have been discounted by the applicant.

Devon County Council (Highways):
No response received.

Conservation Officer:
No observations.

Representations:

Number of neighbours consulted:	8	Number of letters of support:	0
Number of representations received:	1	Number of neutral representations:	0
Number of objection letters:	1		

One objection comment has been submitted for the application detailing the following reasons:

- Access and Parking - Elimination of existing public car parking.

Policy Context:

North Devon and Torridge Local Plan 2011-2031:
ST06 (Spatial Development Strategy for Northern Devon's Strategic and Main Centres); DM04 (Design Principles); ST04 (Improving the Quality of Development); DM01 (Amenity Considerations); DM05 (Highways); DM06 (Parking Provision); DM08 (Biodiversity and Geodiversity); ST14 (Enhancing Environmental Assets); DM08A (Landscape and Seascape Character); DM07 (Historic Environment); ST15 (Conserving Heritage Assets); ST03 (Adapting to Climate Change and Strengthening Resilience); DM02 (Environmental Protection);

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

Planning Considerations

The main planning considerations for this application are:

1. Principle of Development
2. Impact on Character and Appearance
3. Impact on Neighbouring Amenity
4. Highways
5. Ecology
6. Conclusion

1. Principle of Development
Paragraph 2 of the National Planning Policy Framework (NPPF) states that planning law (namely Section 38(6) of the Planning & Compulsory Purchase Act 2004 and Section 70(2) of the Town & Country Planning Act 1990) requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.

The application site is located within the development boundary of Appledore which is designated as a main centre; therefore, Policy ST06 of the North Devon and Torridge Local Plan (NDTLP) must be applied. Policy ST06 states that the main centres will support appropriate levels of growth that will increase the towns' capacities to increase self-containment, to meet their own needs and those of the surrounding communities where such is sought through local vision.

The site already has permission for the addition of 2 storeys to existing bungalow and enhancements to external appearance throughout, which results in a similar scale and design to that which is being assessed under this application. The difference being that this current proposal is looking to demolish the existing dwelling and not build on top of the existing dwelling.

The proposed development is within a built-up area of Appledore which is predominantly residential. The proposal would result in the demolition of the existing detached dwelling and its replacement with the proposed dwelling. The principle of residential development within the settlement boundary of Appledore and the reuse of a brownfield site is supported in principle by the provisions of Policy ST06 of the NDTLP, subject to other policy considerations.

2. Impact on Character and Appearance
The NDTLP encourages good design, which is reflected within national policy. Policy ST04 notes:

"*Development will achieve high quality inclusive and sustainable design to support the creation of successful, vibrant places. Designs 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 then proceeds to detail 14 design principles which should be taken into consideration within any new development. The crux of DM04 requires new developments to be of high-quality design, including being well related to their surroundings, be of an appropriate scale, include quality materials, and to be sympathetic to the character and appearance of the local area.

Policy DM08A of the NDTLP relates to landscape character and notes that developments should be of an appropriate scale, mass and design that recognises and respects landscape character of both designated and undesignated landscapes.

The NPPF also supports the creation of well-designed places through Part 12 (Achieving well designed places), which lists 6 design principles to ensure that developments achieve well designed places. Additionally, Paragraph 126 and 132 of the NPPF states that development should respect local character, history and reflect the identity of local surroundings.

In addition to this, the National Design Guide is the most up to date national guidance in relation to design. The design guide addresses the question of how we recognise well-designed places and outlines and illustrates the priorities for well-designed places providing ten characteristics that should be considered in any forthcoming design and decision making.

The application seeks planning permission for the demolition of existing dwelling and the erection of a replacement dwelling. The reason behind the application is that although the application mimics the current approval in place, the difference between the two applications is that due to the inability of the foundations to carry the new loads from above, it was decided to demolish the existing building and design new foundations and ground floor structure ensuring a holistic structural design approach.

There are two changes that have been introduced now that the proposal is proposing the demolition of the dwelling:

1. The lower ground floor garage has been widened to ensure a vehicle can park comfortably.
2. The building has got 1m wider (east-west axis). This axis was previously constrained by the existing footprint.

The dwelling proposed would consist of:
Lower Ground floor - Parking
Ground floor - 3 bedrooms (1 with en-suite), bathroom and utility.
First floor - Kitchen/dining room and a Living room
Second floor - Master bedroom with ensuite (shower and bathroom), terrace to the north and terrace and patio to the rear.

The materials to be used would be natural stone and timber for the elevations, natural slate for the roof and PPC aluminium for the windows and doors. Notwithstanding this, due to the location of the site, it is considered reasonable to request material samples via condition to ensure they are in keeping with the character and appearance of the area.

The site sits outside the Appledore Conservation Area; however, the Conservation Officer was involved in the previous application to help guide the design of the property. In terms of this application, the Conservation Officer has no observations due to the design predominantly being in conformity with the approved plans under application 1/0572/2022/FUL.

The site is situated in a predominantly residential area which is characterised by a range of different style dwellings. After visiting the site and assessing the information submitted, it is considered the proposal for the demolition of the existing building and the construction of one dwelling is considered appropriate for the site. Considering the above, it is considered that the proposed development is of a form, scale and design that fits in the context of the existing unit and does not harm the character and appearance of the surrounding setting. As such, it complies with Policies ST04, DM04, DM25, DM07 and ST15 of the NDTLP.

3. Impact on Amenity
NDTLP Policy DM01 states that development will be supported where it would not significantly harm the amenities of any neighbouring occupiers or uses, and the intended occupants of the proposed development would not be harmed as a result of existing or allocated uses. Policy DM04 also aims to ensure the amenities of existing and future neighbouring occupiers are safeguarded.

One objection comment has been received for the application, which mainly relate to highways and parking impact. After visiting the site and assessing the proposed plans, it is considered that the proposed development would not significantly harm the amenities of any neighbouring occupiers or uses, or the intended occupants of the proposed development. It is considered reasonable that a condition be attached for construction hours due to the proximity of neighbouring dwellings. The proposed development is considered to be in accordance with Policies DM01 and DM04 of the NDTLP.

4. Highways
Paragraph 110 of the NPPF indicates that access should be safe and suitable for all users. Paragraph 111 proceeds to advise that development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highways safety, or the residual cumulative impacts on the road network would be severe. In addition, Paragraph 112 notes that development should minimise the scope for conflict between pedestrians, cyclists and vehicles, respond to local character and design standards, allow for the efficient delivery of goods, and access by service and emergency vehicles.

Policy DM05 of the NDTLP relates to highways, and notes:

(1) All development must ensure safe and designed vehicular access and egress, adequate parking and layouts which consider the needs and accessibility of all highways users including cyclists and pedestrians.
(2) All development shall protect and enhance existing public rights of way, footpaths, cycle ways and bridleways and facilitate improvements to existing or provide new connections to these routes where practical to do so.

In addition, policy DM06 of the NDTLP relates to parking provision, and notes that developments will be expected to provide adequate parking depending on the needs of the scheme.

The proposed development is proposing three off-road parking spaces, which would create an additional 2 parking spaces. A representation has been made in terms of the impact on the highway and the lack of parking in Appledore. After visiting the site and assessing the application it is considered that the proposed development is in accordance with policies DM05 and DM06 of the NDTLP and would adequately provide for its own parking needs.

5. Drainage
Policy ST03 of the NDTLP notes that development should 'adopt effective water management including Sustainable Drainage Systems, water quality improvements, water efficiency measures and the use of rainwater'. In addition, Policy DM04 notes development should provide effective water management including Sustainable Drainage Systems, water efficiency measures and the reuse of rainwater.

The application form details that the dwelling will connect into the mains sewer for surface water and foul drainage using the existing connections from the site. South West Water were consulted and have put the onus on the applicant/agent to demonstrate that its prospective surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable. The Agent has submitted the following:

‘*1) Discharge into the ground via a soakaway is not possible given a soakaway has to be located at least 7m from the habitable dwelling, and 2.5m from any boundary. Due to the size of the site, this is not viable.*

2) There are no surface water bodies nearby (minus the river which to too great a distance away and due to the density, this isn't a realistic proposition)
3) Again, the only sewers in the vicinity are combined sewers (please see the attached screenshot). Red denotes combined sewer, blue denotes distribution (clean water) main.
4) Therefore, in accordance with the drainage hierarchy, we are only left with the existing arrangement, which is connecting to the combined system. As you're probably aware, this is just a formality as under the current approval which doesn't really differ, we can connect into the existing combined system without an issue.'

Taking the above into account, your Officer is satisfied with the drainage arrangements. Considering the above, the proposed development is in accordance with Policies ST03 and DM04 of the NDTLP.

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 DM08 and ST14 which state that development proposals should conserve and, where possible, enhance biodiversity interests.

A wildlife trigger list and Bat and Nesting Bird Survey Report has accompanied the application. The report states: *'A preliminary ecological appraisal was carried out at Still Waters (formerly Senga), Appledore on the 25th January 2022 by Oliver Chope CBiol MRSB MCIEEM. There was no evidence of bats found during the survey, but the building was assessed as having low suitability for crevice roosting bats and a single dusk survey was recommended to further assess the presence/absence of bats.*

A dusk survey was carried out on the 12th May 2022 in accordance with the Bat Conservation Trust best practice guidelines (2016).

There were no bats recorded using the building and there are no impacts to bats predicted from the proposed works.'

Required actions have been recommended and detailed in Section 6: Conservation Measures: Mitigation, Compensation and Enhancement for the site. It is considered reasonable that a condition is attached if the application is approved. In light of the above, it is considered that the application is in accordance with Policies DM08 and ST14 of the NDTLP.

7. Conclusion
The proposed development is considered to result in an acceptable impact on the character and appearance of the surrounding area and would not result in a harmful impact on the amenities of neighbouring occupiers. In addition, the development would not result in a harmful impact on protected species. Considering the above, the application complies with the policies outlined in the North Devon and Torridge Local Plan.

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 The operating hours of construction works, including deliveries, shall be restricted to Monday to Friday 0700 to 1900 hours and Saturday 0800 to 1300 hours with no works permitted on Sunday or Bank Holidays.

Reason: To protect the amenities of neighbouring properties.

4 Notwithstanding the details shown in the application hereby permitted, prior to their installation, details (and/or representative samples) of the colour and texture of the facing and roofing materials to be used in the construction of the proposed development shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be implemented before the development hereby permitted is brought into use and shall thereafter be retained as such.

Reason: To enable the Local Planning Authority to consider the suitability of the materials to be used for the development.

5 The development hereby approved shall be carried out in accordance with Section 6: Conservation Measures: Mitigation, Compensation and Enhancement contained in the Bat and Nesting Bird Survey Report (dated 18/05/2022) prepared by Orbis Ecology received 16th January 2023.

Reason: In the interests of enhancing the habitats of protected species in accordance with the duties outlined in the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006 and The Conservation of Habitats and Species Regulations 2010 (Habitats Regulations 2010) and requirements of the NPPF.

Plans Schedule

Reference	Received
2118 P 001 00	16.01.2023
2118 P 002 00	16.01.2023
2118 P 003 00	16.01.2023
2118 P 004 00	16.01.2023
2118 P 005 00	16.01.2023
2118 P 006 00	16.01.2023
2118 P 007 00	16.01.2023
2118 P 008 00	16.01.2023
2118 P 006 00	23.01.2023
2118 P 009 00	16.01.2023
2118 P 010 00	16.01.2023

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.