

Committee Report – 05.10.2023

Application Number: 1/0507/2023/FUL

Registration date: 3 July 2023

Expiry date: 28 August 2023

Applicant: Mr & Mrs Hepple

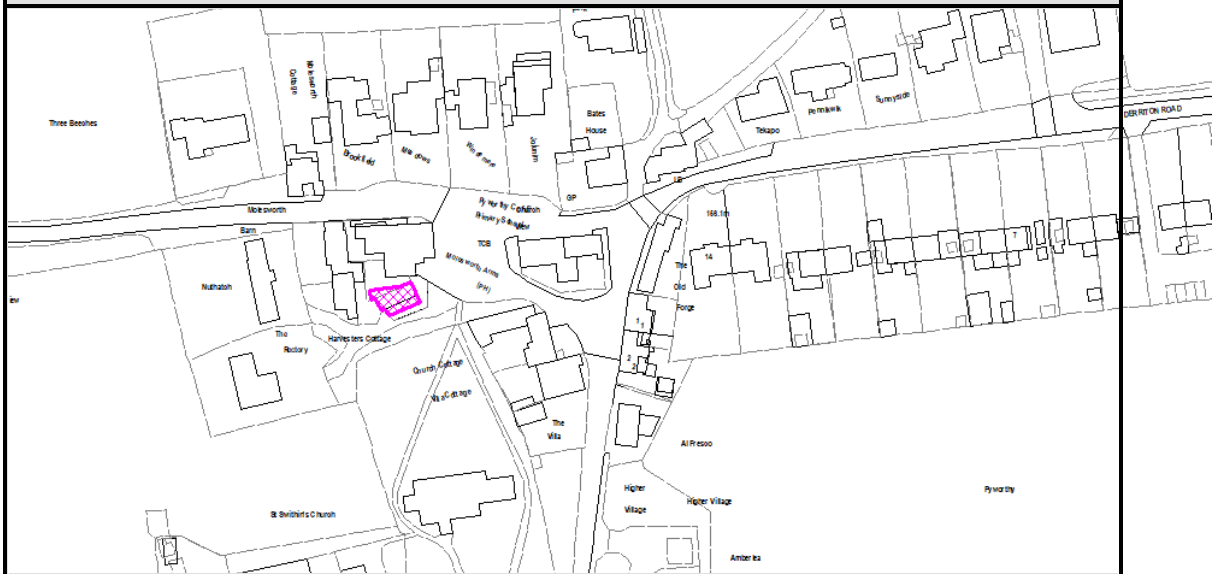
Agent: Metters & Wellby

Case Officer: James Clements

Site Address: Molesworth Arms Shed,
Pyworthy,
Holsworthy,
Devon,
EX22 6SU,

Proposal: Demolition of storage shed and erection of 1 no. dwelling

Recommendation: Grant planning permission



Reason for referral:

The applicant is Kit Hepple who is a ward councillor therefore in accordance with paragraph 35 (b) of the Council's scheme of officer delegation the application must be referred to the Plans Committee for determination.

Relevant History:

None.

The site with an alternative scheme has been subject to pre-application advice from Historic England - ref: PA007 15325 dated 27th February 2018. Pre-application advice with Historic England found that a previous proposal was deemed too modern/contemporary and coupled with its increase in size was unlikely to be supported.

Site Description & Proposal

The Site

The application site is an existing storage shed located at the Molesworthy Arms, Pyworthy. The storage shed is a cob structure faced in render and partly clad in timber weatherboarding. It has a dual pitched roof clad in natural slate. The building is made up of two elements with a lower pitched roof to the rear. The building is accessed from a large pair of timber doors on its eastern elevation. The building measures approximately 4.9m in width, 11.4m in length, 3m to eaves height and 4.3m to ridge height.

The site is accessed from the centre of the village. It is bound to the north by the Molesworth Arms, to the east from the public highway and parking area, to the south is an access road beyond which is St Swithuns Church with boundary defined by mature hedge/trees adjoining. To the north of the site is the public house and its enclosed garden. To the west are residential properties.

The shed and public house was purchased by the applicant in 2015. The shed was in a dilapidated, partially collapsed state. Stabilising works were undertaken which include the removal of the decayed south wall and the introduction of a series of acrow props and scaffold boards internally to temporarily support the structure.

The site is not a designated heritage asset and is not therefore a listed building, a scheduled ancient monument or within a conservation area. The building is however considered to be a non-designated heritage asset given its age, identified on the 1880 1st edition OS map, and vernacular materials and construction. The nearest designated heritage asset is St Swithun's Church which is a grade II* listed building to the south of the application site.

The site is not within a protected landscape and is therefore outside of an Area of Outstanding Natural beauty (AONB) or Area of Great Landscape Value (AGLV) or a national park.

The site is within flood zone 1, which has less than 1 in 1,000 annual probability of river flooding, and has lowest risk of flooding. The site is not within a critical drainage area and there are no known surface water issues.

The Proposed development:

Full planning permission is sought for a one-bedroom, 2-storey, 2 person dwelling with a footprint circa 69m², with dimensions of approximately 4.9m in width, 13.4m in length, 3.5m to eaves height and 4.9m to ridge height. The building would be made up of two elements: the first having a pitched roof and barn doors facing on to highway and secondly a lower flat roofed element to the rear measuring circa 2.8m in height. At first floor is the bedroom with en-suite and walk in wardrobe.

Internally at groundfloor an open kitchen-dining and living room is proposed, along with toilet, utility room and store. Outside, to the rear, there is an enclosed courtyard area measuring approximately 3 by 4 metres.

The existing barn doors on the east elevation are proposed to be reinstated to preserve the street scene. A small 'hayloft' style opening with louvres above to serve the en-suite. Timber cladding along the south elevation will also be retained. The rest of the walling would be finished in render as per the existing structure. A natural slate roof is proposed with three conservation roof lights. From public views to the east the building would closely resemble the existing building albeit 0.7m higher.

The Design and Access Statement states that modern building methods with traditional finishes and details would create a highly insulated, energy efficient and sustainable dwelling.

Consultee representations:

Pyworthy Parish Council:

The Parish Council supports this application.

Devon County Council (Highways):

Standing advice.

Environmental Protection Officer:

The following consultation response is provided by the Environmental Protection Team (EPT) in relation to the above application.

The application site is located adjacent to a licensed premises to the north that has operating hours and licensable activities until 0030 hours. Having regard for the presence of the premises in such close proximity, the Environmental Protection Team is concerned that the amenity of the proposed dwelling will be adversely affected, contrary to Policy DM01, and objects to the application.

The application contains no detailed information on the historic use and subsequent land quality of the application site. Former industrial, commercial and agricultural use and activity can result in ground contamination and ground conditions that are potentially harmful to human health or unsuitable for occupation without remediation. Given the sensitive end use, it is essential that measures are in place to ensure the application site is appropriately assessed for any potential contamination that may impact future occupants and, where identified, remediated accordingly. Should planning consent be granted, the Environmental Protection Team recommends the imposition of the following condition:

Should any contamination of soil or groundwater be discovered during development of the site, the Local Planning Authority should be contacted immediately. Site activities within that phase or sub-phase or part thereof, should be temporarily suspended until such time as a procedure for addressing such contamination, within that phase or sub-phase or part thereof, is agreed upon with the Local Planning Authority or other regulating bodies.

Reason: To protect human health and the environment

13.09.2023:

The EPT remove their concerns regarding the licensed premises subject to the following condition:

The use of the Molesworthy Arms public house and its outside areas for the sale and consumption of food & drink and regulated entertainment shall cease between the hours of 23:00 and 07:00 on all days.

Reason: In the interests of the residential amenity of future residents with regards to noise and odour.

18.09.2023:

Due to the presence of existing dwellings in close proximity, there is the potential for residential amenity to be adversely affected from the construction works if control measures are not in place. Should planning consent be granted, the EPT recommends the imposition of a condition restricting construction works and site deliveries to Monday to Friday 0700 to 1900 hours and Saturdays 0800 to 1300 hours only with no works permitted on Sundays and Bank Holidays in order to protect residential amenity.

Conservation Officer:

No observations.

South West Water:

No comment or concern.

Historic England - Southwest Casework:

Historic England provided pre-application advice for an earlier iteration of this proposal in 2018. Our heritage concerns appear to have been taken on board. Historic England provides advice when our engagement can add most value. Therefore, in this case we are not offering advice. This should not be interpreted as comment on the merits of the application.

Representations:

Number of neighbours consulted:	10	Number of letters of support:	0
Number of representations received:	0	Number of neutral representations:	0
Number of objection letters:	0		

Policy Context:

North Devon and Torridge 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); Policy ST07 (Spatial Development Strategy for Northern Devon's Rural Area); ST14 (Enhancing Environmental Assets); ST15 (Conserving Heritage Assets); DM01 (Amenity Considerations); DM02 (Environmental Protection); DM03 (Construction and Environmental Management); DM04 (Design Principles); DM05 (Highways); DM06 (Parking Provision); DM07 (Historic Environment); DM08A (Landscape and Seascape Character); DM08 (Biodiversity and Geodiversity); PYW (Pyworthy Spatial Plan).

Government Guidance:

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

Planning Considerations

The main planning considerations are considered to be:

1. Principle of development
2. Character and appearance
3. Historic environment
4. Access, Parking and Highway Safety
5. Residential amenity
6. Flooding and drainage
7. Biodiversity

Principle of development

Section 38 (6) of the Planning and Compulsory Act 2004 states that key consideration in the determination of a planning application is the development plan. Applications should be determined in accordance with the development plan unless material planning considerations indicate otherwise. For the purpose of the development plan the statutory development plan is comprised of the North Devon & Torridge Local Plan 2011-2031 (NDTLP).

The application site is within the settlement of Pyworthy, which is identified as a 'Class B' Village subject of Policy ST07: Spatial Development Strategy for Northern Devon's Rural Area. The policy states that 'Development in Villages, defined in Schedule B, will be enabled in accordance with the local spatial strategy to meet local needs and growth aspirations.' Para. 4.13 goes on to state that, 'At Villages, housing growth is planned to maintain existing population levels and to support existing service levels.' The proposed new dwelling is therefore considered to be acceptable in principle.

Character and appearance

Policies DM04: 'Design Principles' and ST04: 'Improving the Quality of Development' in the Local Plan aim to ensure good quality design.

Policy DM04 seeks to guide overall scale, density, massing, height, landscape, layout, materials access and appearance of development. The policy requires development to 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 local neighbourhood. Policy ST04 states 'design 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 DM04.'

The application is accompanied by a design and access statement.

The proposed new dwelling has taken its design cues from the existing structure in terms of its general form, scale and finishing materials. Views from the public realm would remain largely as existing with the building appearing as a shed/store associated with the public house. New window openings have been kept to a minimum and the large timber doors would be retained on the frontage facing the public realm. Officers consider that this is an appropriate design response and one that respects the setting of the site and the character and appearance of the area.

Details of the high-quality finishing materials will be secured by condition.

The development is considered to be in accordance with policies ST04 and DM04 of the NDTLP and national guidance.

Historic environment

The cob storage shed is considered to be a non-designated heritage asset and the development site falls within the setting of the Grade II* church of St Swithuns. The application is accompanied by a heritage statement which outlines the significance of the storage shed and its impact on the church's setting.

Policies ST15 and DM07 of the Local Plan aim to protect north Devon's historic environment. Policy DM07: Historic Environment states:

(1) All proposals affecting heritage assets should be accompanied by sufficient information, in the form of a Heritage Statement, to enable the impact of the proposal on the significance of the heritage asset and its setting to be properly assessed. As part of such an assessment, consideration should be given, in order of preference, for avoiding any harm, providing enhancement, then minimising and mitigating any harm.

(2) Proposals which conserve and enhance heritage assets and their settings will be supported. Where there is unavoidable harm to heritage assets and their settings, proposals will only be supported where the harm is minimised as far as possible, and an acceptable balance between harm

and benefit can be achieved in line with the national policy tests, giving great weight to the conservation of heritage assets.

(3) Proposals to improve the energy efficiency of, or to generate renewable energy from, historic buildings or surrounding these heritage assets will be supported where:

- (a) there is no significant harm or degradation of historic fabric including traditional windows; and
- (b) equivalent carbon dioxide emission savings cannot be achieved by alternative siting or design that would have a less severe impact on the integrity of heritage assets.

Para 203 of the NPPF states that:

'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'

The shed has some historic, evidential and cultural interest as a storage shed associated with the Molesworthy Arms identified on the 1880 1st Edition OS Map (but not on the 1840 tithe map). The building is of traditional construction built of rendered cob, now partly weatherboarded, with a natural slate roof. The heritage statement concludes that the building's historic value is low. Moreover, it is in a poor state of repair with its southern cob walling having previously collapsed with the roof being held up by props; other walls are showing cracking and movement.

The retention of the building and its conversion is in this case not considered to be proportional to its significance. A replacement building as proposed, being of a similar form, proportions and finishing materials as the existing, is considered to be an acceptable approach. This approach is considered to be in accordance with paragraph 203 of the NPPF which requires a balanced judgement having regard to the scale of loss and the significance of the heritage asset.

The impact on the setting of the Grade II* would also be negligible given that it is proposed to re-build the building to a similar form, with the only difference noticeable from the east being a small increase in height. Historic England have provided pre-app feedback to the applicant and have stated that 'Our heritage concerns appear to have been taken on board.' The Council's Conservation Officer has confirmed that they have no observations.

As such, the proposed development is considered to be in accordance with policy ST15 & DM7 and guidance within the NPPF.

Access, Parking and Highway Safety

Paragraph 111 of the NPPF advises that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Policy ST10 of the NDTLP, sets out the transport strategy for Northern Devon. It aims to reduce the environmental and social impact of transport by ensuring that access to new developments is safe and appropriate.

Policy DM05 in the Local Plan requires development to have safe and well designed vehicular access and egress, adequate parking and layouts which consider the needs and accessibility of all highway users including cyclists and pedestrians, and all development shall protect and enhance existing public rights of way, footways, cycleways and bridleways and facilitate improvements to existing or provide new connections to these routes where practical to do so.

Policy DM06 of the Local Plan states that proposals will be expected to provide an appropriate scale and range of parking provision to meet anticipated needs. Policy DM04: 'Design Principles' has a criterion related to 'safe and appropriate highway access.'

The redline location plan and site plan identify an area for parking immediately adjacent to the proposed 2-storey element, on its southern side, measuring approximately 8.4m. This would provide space for one car. The land to the east of the application site is currently used for parking purposes. The site would access the highway to the east of the site.

The local highway authority (Devon County Council) has issued their standing advice which requires 2 parking spaces for 1-3 bed dwellings. Although the proposed parking level would fall below the required 2 spaces, this is not considered to be an overriding factor that would warrant refusal. The shortfall in the space amounts to 1.2m and a vehicle could utilise the existing space used for parking to the east.

The highway to the east is easily accessible from the site and given its open character has an appropriate level of visibility.

It is considered that the proposed accords with policies ST10, DM05 and DM06 of the NDTLP and national guidance.

Residential Amenity

Policy DM01 of the Local Plan confirms that development will be supported where it would not harm the amenities of neighbouring occupiers or uses, or result in harm to the future occupiers of the development from existing or allocated uses. Policy DM04: 'Design Principles' aims to ensure the amenities of existing and future neighbouring occupiers are safeguarded. Policy DM02 'Environmental Protection,' of the Local Plan, states that development will be supported where it does not result in unacceptable impacts to smell, fumes, noise etc.

The nearest residential property is Harvesters Cottage which share the site's western boundary. The neighbouring dwelling has a limited number of windows on its eastern elevation which at groundfloor level overlook an existing boundary masonry wall; at first floor there are 2 windows one of which relates to a habitable bedroom. Adjacent to the boundary wall there is existing planting which screens the two properties. At present the rear of the storage shed forms part of the boundary. However, it is proposed that this area will become a garden/amenity area and it is proposed to provide a single-storey element approximately 2.8m in height at an angle. This element would be adjacent to Harvesters Cottage porch and approximately 3m from the first-floor bedroom window facing on to the proposal site. A cross section drawing has been submitted which demonstrates there would be no undue overbearing impact to this window as the extension would be below the level of the window cill.

The 2-storey element would be some 3m from the boundary and 6m from the dwelling and, despite being 0.7m higher than the existing structure, it is considered that this would not amount to adverse impact on the amenity of the neighbouring property. Moreover, no windows or roof lights are proposed on the upper floor facing westwards. As such, it is considered that there would be no adverse harm to residential amenity with regard to loss of light, loss of privacy or overbearing impact.

The proposed barn conversion has sufficient floor space to satisfy the Nationally Described Space Standards. There is adequate amenity space proposed. Therefore, there would be no harm to the amenity of future residents.

The Local Authority's Environmental Protection Team (EPT) have been consulted on this application. Initially the EPT raised concerns regarding the existing license related to the Molesworthy Arms which permits opening to 00:30 hours; this has the potential to harm the amenity of future residents. The applicant has therefore agreed to the imposition of a condition to restrict the use of the public house and its outside areas for the consumption of food, drink and music to 23:00 hours. The EPT also recommend the imposition of a condition relating to land contamination and a condition relating to hours of construction and deliveries.

The proposed, subject to the above conditions, would accord with Policies DM01, DM02 and DM04 of the NDTLP.

Biodiversity

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).

Policies ST14 and DM08 of the Local Plan require that development ensures the protection and enhancement of biodiversity.

The application is accompanied by an ecology report related to bats and nesting birds. The survey work found that the barn is not being used by bats or birds. A condition will secure biodiversity enhancement by requiring the provision of a bat or bird box.

The proposal is therefore considered to be in accordance with Policy ST14 & DM08.

Flooding and drainage

Policy ST03 of the NDTLP notes that development should 'adopt effective water management including Sustainable Drainages Systems, water quality improvements, water efficiency measures and the use of rainwater'.

Policy DM02 of the NDTLP requires that development must not result in unacceptable impacts in relation to the pollution of surface or ground water, whilst Policy DM04 establishes that water management must be addressed by development.

The NPPF and Planning Practice Guidance provide further advice on foul drainage, with a hierarchal approach being used. The PPG notes new development should aim to discharge foul water into the public sewer. The information submitted identifies discharge to a package treatment plant, prior to being discharged into the pond.

The site is not within an Environment Agency flood zone and/or Critical Drainage Area. There are no known surface water issues. The dwelling, its surface water and foul water disposal would connect to the public sewer. South West Water has no comment or concern.

The proposed development is therefore considered to be in accordance with Policy ST03, DM02 & DM04 of the NDTLP and national guidance.

Conclusion

The proposed residential development is acceptable in principle in accordance with policy ST07. The proposed design is appropriate for its context and surrounding setting, being largely a facsimile of the existing building, and given its poor state the replacement of this non-designated heritage asset is considered to be acceptable. The development would not adversely harm residential amenity and biodiversity would be enhanced. The drainage details are considered to be acceptable.

Human rights

Consideration has been given to the Human Rights Act 1998.

Recommendation

GRANT subject to the following conditions

- 1 The development hereby permitted shall begin before the expiry of three years from the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 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 Prior to the occupation of the dwelling hereby permitted, details of the installation of a bird or bat box shall be submitted to and approved in writing by the local planning authority. The agreed details shall be carried out prior to the occupation of the dwelling hereby approved and shall be retained and maintained as such thereafter.

Reason: In the interests of biodiversity enhancement.

4. Should any contamination of soil or groundwater be discovered during development of the site, the Local Planning Authority should be contacted immediately. Site activities within that phase or subphase or part thereof, should be temporarily suspended until such time as a procedure for addressing such contamination, within that phase or sub-phase or part thereof, is agreed upon with the Local Planning Authority or other regulating bodies.

Reason: To protect human health and the environment

5. The use of the Molesworthy Arms public house including its external area for the sale and consumption of food and drink and regulated entertainment shall cease between the hours of 23:00 and 07:00 on all days.

Reason: In the interests of the residential amenity of future residents with regards to noise and odour.

6. Construction works and site deliveries shall only take Monday to Friday 0700 to 1900 hours and Saturdays 0800 to 1300 hours only with no works permitted on Sundays and Bank Holidays in order to protect residential amenity.

Reason: In the interests of residential amenity.

7. Prior to their use in the development hereby approved samples or details of the materials to be used on the external surfaces, to include walls, roofs, windows, doors and rainwater goods, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter proceed in accordance with the approved materials.

Reason: In the interest of visual amenity and to ensure the development will harmonise visually with the character and appearance of the site and its surroundings.

Plans Schedule

Reference	Received
2022-24.LOCATION	13.07.2023
2022-24.TOPO	25.05.2023
2022-24.P1.A	20.06.2023
2022-24.P2	25.05.2023
2022.24.P3	25.05.2023
2022-24.Site section	19.09.2023

Statement of Engagement

The National Planning Policy Framework (paragraph 38) requires local planning authorities to work positively and proactively with applicants to achieve sustainable development. Throughout the application process guidance has been given to the applicants and all outstanding issues have been identified.

In this instance the Council required additional information following the consultation process. The need for additional information was addressed with the applicant and submitted for further consideration.

The Council has therefore demonstrated a positive and proactive manner in seeking solutions to problems arising in relation to the planning application.