

PLANNING APPLICATION REPORT

Case Officer: Clare Stewart

Parish: Okehampton Hamlets **Ward:** Okehampton North

Application No: 2793/17/FUL

Agent/Applicant:

Mr R Murrin
1 Sunnyridge
Castle Road
Okehampton
EX20 1HU

Applicant:

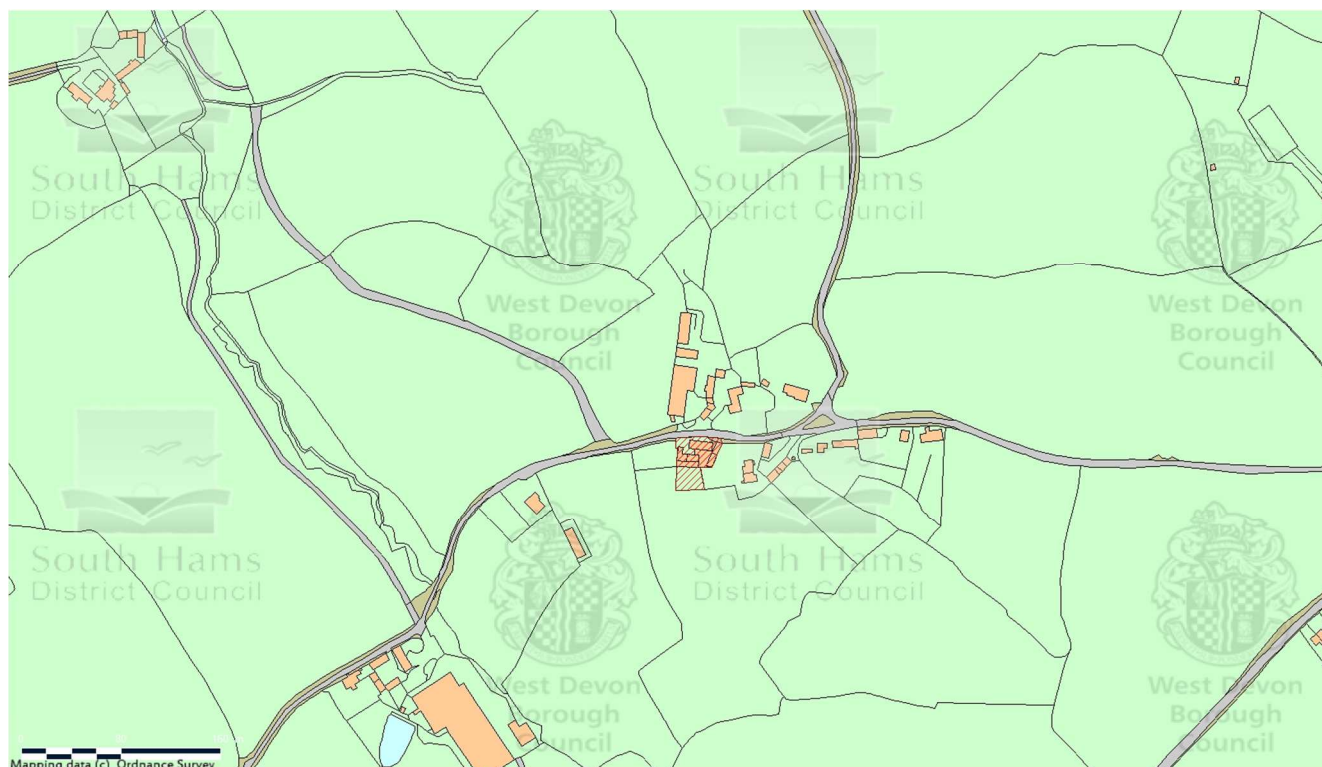
Messrs Burton, West, Croom & Brooks

Site Address: Barns adjacent to Lower Chichacott, Chichacott Road, Okehampton, Devon, EX20 1RS

Development: Application for proposed barn conversion to two dwellings

Reason item is being put before Committee

The application has been called in by the Ward Councillor Leech who is not satisfied the proposal would secure the future of a heritage asset and is not convinced there is a need for additional housing in this area unless it is low cost affordable housing.



Recommendation: Conditional approval

Conditions

1. Time limit
2. Accord with plans
3. Submission of Natural England licence
4. Foul drainage
5. Surface water drainage (with reference to CDA requirements)
6. No demolition works
7. Samples of exterior finishes
8. Stonework
9. Flush fitting rooflights
10. Details of new access gate
11. Retention of existing boundary hedge/bank along road frontage
12. Parking for each unit to be made available prior to occupation and thereafter retained
13. Windows/doors to be retained in timber
14. Removal of permitted development rights

Key issues for consideration:

Principle, design, heritage, landscape, neighbour amenity, highways.

Site Description:

The barns are located in the small hamlet of Chichacott approximately 740m to the north east of Okehampton. The barns are situated adjacent to a road and the west of a Grade II listed residence known as Lower Chichacott House. The barns are in separate ownership to the dwellinghouse. The proposal would be within the setting of the Listed Building. To the north of the site is another farm complex in separate ownership.

To the south and east of the barns lies open farmland, with views to Okehampton and the Moors beyond. Access to the site is gained via an existing gate and track from the highway, to the north of the building.

The main buildings are traditional stone-built structures and considered by Officers to be non-designated heritage assets. Part of the building is a more modern metal clad structure.

The Proposal:

Permission is sought for conversion of the existing barns to two dwellings. Unit 1 would be formed on the eastern side of the site (from barns labelled B and C on the submitted plans), with the Unit 2 formed from barn A to the west. One existing building (barn D, closest to the public highway) would be removed. Unit 1 would comprise accommodation across one level, with Unit 2 proposed as a two storey property. External alterations would include new natural slate and zinc roof coverings (incorporating roof lights in the slate roof). Wall finishes would include repairs to existing stonework, lime based render and vertical boarding. New windows and doors would be constructed in stained timber.

Consultations:

- County Highways Authority – Standing Advice
- Ecology – If 3 tests considered to be met, impose condition to secure submission of Natural England licence

- Okehampton Hamlets Parish Council – Support

Representations:

One letter of objection have been received with issues raised summarised as follows:

- Access would be required on third party land during development works
- Impact on bats that would be displaced

Relevant Planning History

- 00063/2015: Prior Notification for change of use from agricultural building to C3 dwelling - Class MB (Part A only). Barns At Lower Chichacott Chichacott Road Okehampton Devon. Prior Approval Refused: 05 Mar 15. (Impact on protected species only.)

ANALYSIS

Principle of Development/Sustainability:

Lower Chichacott is within relatively close proximity to Okehampton but is arguably not a truly sustainable location for new residential development within the meaning of the NPPF. Paragraph 55 of the NPPF provides for new isolated rural dwellings where special circumstances apply, including “*where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets.*” The existing barns to be converted are considered to be non-designated heritage assets, and the site is not ideally situated for commercial uses. Paragraph 55 also allows for the conversion of redundant or disused buildings and would lead to an enhancement to the immediate setting. The removal of Barn D as shown on the plans would result in a notable improvement in the appearance of the site. It should be noted that paragraph 55 does not require a need for housing in that location to be demonstrated.

It is considered the principle of residential development can be supported in this case having regard to the above policy framework. It should also be noted that the barns could potentially be converted without planning permission by virtue of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). A previous application for Class Q(a) only was only refused due to the absence of an ecology survey (a matter which has been resolved with the current application).

Design/Landscape/Heritage:

The proposal is considered to be broadly acceptable in general design terms. Paragraph 135 of the NPPF states: “*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 affect directly or indirectly 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.*” It is considered the proposal would preserve the historic character of the existing barns and would not harm their significance. Officers did have some reservations regarding the subdivision of the courtyard area to create the amenity space to the front of Unit 1. The hedge/bank along the road frontage provides a strong boundary to the site and subject to its retention it is considered the subdivision of the courtyard would be acceptable. Conditions are recommended as listed above to ensure detailed design matters are acceptable. In particular Officers have some reservations regarding the detail for the proposed new gate access (which is shown as being solid which would detract from the appearance of the site when viewed from the lane) and this will need to be considered further. Whilst Unit 1 would only benefit from a modest area of private outside space, given the overall size of accommodation and character of site this is not considered to be unacceptable in design terms.

In terms of the impact on the setting of the nearby listed Lower Chichacott House, it is considered the proposals would not result in harm to the setting of this heritage asset by virtue of the reasonably sensitive design.

The rear garden for Unit 2 is shown as extending onto agricultural land beyond the existing complex of buildings. On balance it is considered that the size of the garden area would not result in substantive landscape setting harm subject to a condition removing permitted development rights for incidental buildings – the site would be seen in the context of the existing hamlet of Lower Chichacott and would not read as an unacceptable intrusion into the countryside.

Neighbour Amenity:

The amenities of existing neighbouring properties would not be unduly compromised as a result of the proposed development having regard to physical separation distances.

Highways/Access:

Devon County Highways have referred to their Standing Advice. The proposal makes use of an existing vehicular access, and there would be sufficient space for parking and turning within the site. A condition is recommended to ensure the parking areas are available prior to occupation of the dwellings to limit potential for parking on the highway.

Ecology:

The application is accompanied by a Protected Species Survey, which identifies that a licence from Natural England would be required due to the use of the barns by bats as a day roost. It is therefore necessary to consider the 3 derogation tests:

Imperative Reason Overriding Public Interest – Establish the public interest (social, economic) which has some imperative nature (i.e. required soon) which overrides the requirement to maintain the roosts as they are at present. Bringing redundant barns back into use for residential purposes would contribute towards housing need.

No Satisfactory Alternative – Consider and discount alternatives – e.g. design/layout that would not affect the roost – why are they unfeasible. Consider the 'do nothing' scenario. If no action is taken then the barns would fall into disrepair. There would be no alternative methods of development the site that would have less impact on bats given the nature of the barns and type of bat use. Alternative roost provision is being provided within the scheme.

Maintenance of Favourable Conservation Status – the ecologist has outlined measures including compensatory roost provision and ecologist supervision of roof stripping which would maintain the favourable conservation status of the bat species concerned. This test is considered met. Revised plans were sought prior to determination to clarify that the compensatory roost provision would be accommodated within one of the barns being converted.

On the basis of the above it is considered reasonable to assume that an EPSL would be granted by Natural England and a condition is recommended in accordance with the advice of the Council's Ecology Specialist (who has advised the licencing process ensures the compensatory roost provision is actually implemented).

Drainage:

The submitted application indicates a new septic tank and soakaway are proposed to service the development. The site is located within a Critical Drainage Area (as defined by the Environment Agency) and were the proposal for new build dwellings further details in respect of surface water drainage would be required prior to determination. As the application relates to conversion of existing

buildings (which would involve some increase in impermeable surfaces in outside areas), and there is substantial land around the application site within the same land ownership, it is considered final drainage details can be dealt with by condition in this case.

Other Matters:

A third party objection makes a reference to access land outside the application site during development works – this is a civil matter and is not material to the determination to this planning application.

The Planning Balance:

The principle of residential conversion can be supported having regard particular to paragraph 55 of the NPPF. The development is considered acceptable in general design terms, with some details matters to be addressed by condition. Following the advice of the Council's Ecology Specialist it is considered reasonable to assume that Natural England will grant a licence for the works, and as such there is no ecology basis for refusal. The application is considered to accord with the relevant Development Plan policies and is recommended for approval subject to conditions as detailed above.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Planning Policy

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

The relevant development plan policies are set out below:

West Devon Borough Council Core Strategy 2011

SP1 – Sustainable Development

SP9 – Meeting Housing Needs

SP17 – Landscape Character

SP18 – The Heritage and Historical Character of West Devon

SP19 – Biodiversity

SP20 – Promoting High Quality Design

SP21 – Flooding

West Devon Borough Council Local Plan Review 2005(as amended 2011)

NE10 – Protection of the Countryside and Other Open Spaces

BE3 – Listed Buildings

BE13 – Landscaping and Boundary Treatment

H31 – Residential Development in the Countryside

T8 – Car Parking

PS2 – Sustainable Urban Drainage Systems

PS3 – Sewage Disposal

PS4 – Private Water Supply

National Planning Policy Framework

Emerging Joint Local Plan

The Plymouth and South West Devon Joint Local Plan (the JLP) will replace the above as the statutory development plan once it is formally adopted.

Annex 1 of the National Planning Policy Framework (the Framework) provides guidance on determining the weight in relation to existing and emerging development plan policies.

- For current development plan documents, due weight should be given to relevant policies according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- For the JLP, which is an emerging development plan, the weight is to be determined by the stage of its preparation, the extent to which there are unresolved objections, and its degree of consistency with the Framework.

The JLP is at a relatively advanced stage of preparation. The precise weight to be given to policies within the JLP will need to be determined on a case by case basis, having regard to all of the material considerations as set out on the analysis above.

PLYMOUTH AND SOUTH WEST DEVON JOINT LOCAL PLAN -: PUBLICATION (as considered by the Full Councils end Feb/Early March 2017)

SPT1 Delivering sustainable development

TTV1 Prioritising growth through a hierarchy of sustainable settlements

TTV31 Development in the Countryside

DEV1 Protecting amenity and the environment

DEV2 Air, water, soil, noise and land

DEV10 Delivering high quality housing

DEV20 Place shaping and the quality of the built environment

DEV21 Conserving the historic environment

DEV24 Landscape character

DEV28 Protecting and enhancing biodiversity and geological conservation

DEV31 Specific provisions relating to transport

DEV37 Managing flood risk and Water Quality Impacts

Considerations under Human Rights Act 1998 and Equalities Act 2010

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.

Recommended conditions in full:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: To comply 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 approved shall in all respects accord strictly with drawing numbers 1610-5, 1610-6, Statement of Significance/Design and Access Statement received by the Local Planning Authority on 10th August 2017;

1610-3 Rev Oct 2017. 1610-4 Rev Oct 2017 received by the Local Planning Authority on 26th October 2017.

Reason: To ensure that the proposed development is carried out in accordance with the drawings forming part of the application to which this approval relates.

3. PRE-COMMENCEMENT CONDITION: No works should commence until the LPA has been provided with a copy of the licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorising the works to go ahead.

Reason: To safeguard the welfare of a protected species of wildlife, in the interests of the amenity of the area and the Conservation (Natural Habitats) Regulations 1994 and the 1981 Wildlife and Country Act (as amended).

4. PRE-COMMENCEMENT CONDITION: Notwithstanding the submitted details, no development shall be commenced until:

1. Final details of the works for the disposal of sewage have been submitted to and approved in writing by the Local Planning Authority, and the dwelling shall not be occupied until the approved works have been completed to the satisfaction of the Local Planning Authority. 2. If the proposed development results in any changes/replacement to the existing system or the creation of a new system, scale plans of the new foul drainage arrangements will also need to be provided. This will include a location plan, cross sections/elevations, specification and its capacity to hold required load.

Reason: In the interests of the prevention of pollution.

5. PRE-COMMENCEMENT CONDITION: Notwithstanding the submitted details, the development hereby permitted shall not be commenced until details of the management of surface water have been submitted to and agreed in writing with the Local Planning Authority. All off site surface water discharges from the development should mimic *Greenfield performance up to a maximum 1 in 10 year discharge. On-site surface water should be safely managed up to the "1 in 100+climate change" conditions.

Reason: The site is located within a Critical Drainage Area as defined by the Environment Agency, and whilst the proposal relates to the conversion of existing buildings this still requires consideration.

6. There shall be no demolition of any external wall or part of any wall, nor the removal of any existing roof truss (unless shown on the drawings hereby approved to be demolished or removed).

Reason: For the avoidance of doubt this permission is for the conversion of the existing buildings and the application has been assessed and approved on that basis.

7. Prior to installation, samples of all new external finishes shall be submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and thereafter so retained.

Reason: To ensure that the development displays good design practice in respect of the age and character of the development and to allow the Local Planning Authority to assess the details of the scheme to ensure that their character is maintained.

8. All alterations and repairs to the existing walls shall be carried out to match the existing stonework with any repairs in lime mortar to match the colour and texture of the existing. New stone walls shall be constructed to match the existing stone walling of the development.

Reason: To ensure that the finishes and colours are appropriate to the locality.

9. The rooflights shall be fitted so as to be flush with the adjoining roof profile and thereafter so retained/maintained.

Reason: To protect the appearance and character of the area .

10. Notwithstanding the details shown on the approved plans, prior to installation details of the proposed access gate to the site shall be submitted to and agreed in writing with the Local Planning Authority. The gate shall thereafter be installed in accordance with the approved details and thereafter retained/maintained in that form.

Reason: In the interests of the character of the site.

11. The existing boundary hedgebank along the highway frontage as shown on drawing reference 1610-3 Rev Oct 2017 shall be retained and maintained in its current position.

Reason: In order to preserve the character of the site.

12. The dwellings hereby approved shall not be occupied until the parking and turning areas relating to them (and shown on the submitted drawings) have been properly consolidated, surfaced, laid out and constructed. The parking and turning areas shall be kept permanently available for the parking and manoeuvring of motor vehicles in connection with the development hereby permitted.

Reason: To ensure that adequate and satisfactory provision is made for the garaging and parking of vehicles clear of all carriageways in the interests of road safety and amenity.

13. All new and replacement windows and doors shall be first constructed and subsequently maintained in timber.

Reason: In order to retain the character of the existing buildings.

14. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and any Order revoking and reenacting this Order), no development of the types described in the following Classes of Schedule 2 shall be undertaken without the express consent in writing of the Local Planning Authority other than those expressly authorised by this permission:-

(a) Part 1, Class A (extensions and alterations)

(b) Part 1, Classes B and C (roof addition or alteration)

(c) Part 1, Class D (porch)

(d) Part 1, Class E (a) swimming pools and buildings incidental to the enjoyment of the dwellinghouse and; (b) container used for domestic heating purposes/oil or liquid petroleum gas)

(e) Part 1, Class F (hardsurfaces)

(f) Part 1, Class G (chimney, flue or soil and vent pipe)

(g) Part 2, Class A (means of enclosure)

(h) Part 14, Classes A to I (renewable energy on domestic premises) Reason: To enable the Local Planning Authority to exercise control over development which could materially harm the character and visual amenities of the development and locality.