

PLANNING APPLICATION REPORT

Case Officer: Graham Lawrence

Parish: Totnes **Ward:** Totnes

Application No: 2075/18/FUL

Agent/Applicant:

Mr Eric Davis
Unit 12 4 Craigie Drive
Plymouth
PL1 3JB

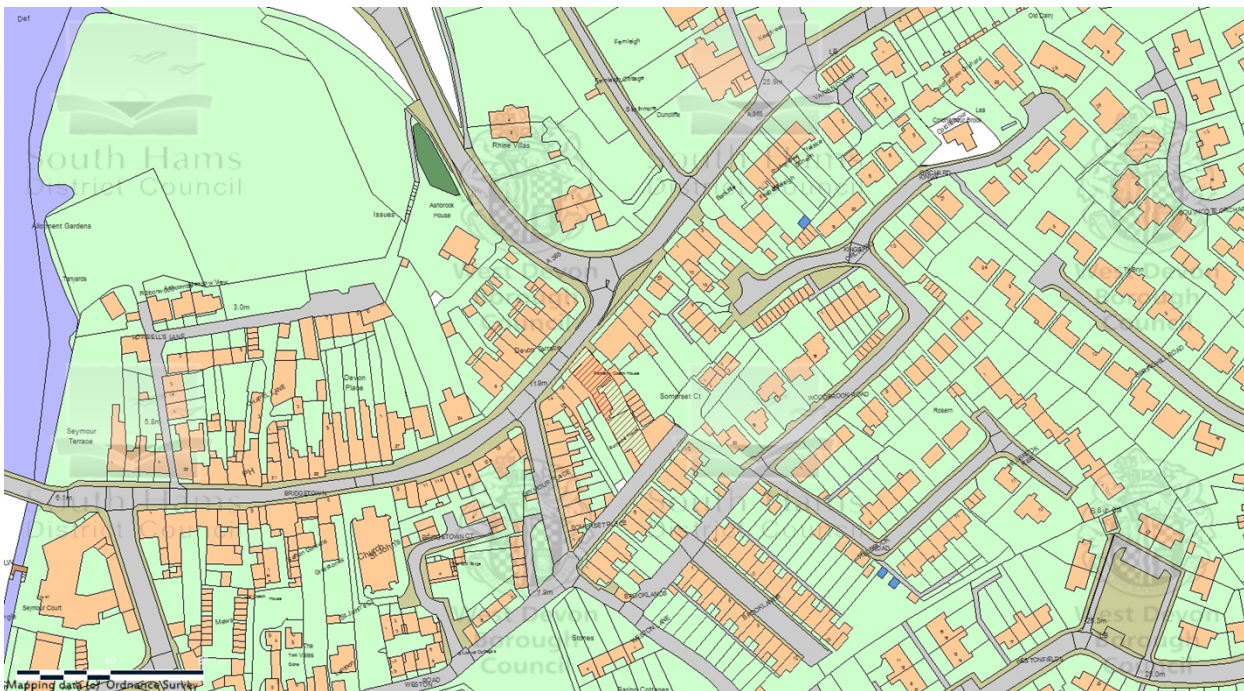
Applicant:

Mr David Goulden
2 The Old Workshops
St. Johns Terrace
Totnes
TQ9 5SX

Site Address: 18 Bridgetown, Totnes, Devon, TQ9 5BA

Development: Conversion of B1 office to C3 residential including demolition of modern extensions to listed building. Erection of detached dwelling to rear garden of property.

Reason item is being put before Committee: Cllr Birch has requested that the planning application be taken to Committee due to concerns over neighbour amenity as expressed by the representations objecting to the application



Recommendation: Conditional approval

Conditions:

- 1 Time limit
- 2 Accord with plans
- 3 Material details / samples for new build and repairs
- 4 Joinery schedule and designs
- 5 Schedule of works, including services and changes to meet building regulations
- 6 Archaeology
- 7 Drainage details (foul)
- 8 Drainage details (surface)
- 9 New build details (eaves, sills etc)
- 10 Landscaping (front and rear) and design of bin and bike stores
- 11 No use of front area for bins etc
- 12 No occupation of new build until works to listed building completed
- 13 Details of fire escape removal

Key issues for consideration:

- Is change of use acceptable
 - Effect on the listed building and conservation area
 - Drainage issues
 - Neighbour amenity, bin storage etc
 - Overlooking and loss of light
 - Parking
-

Site Description: The property is part of a group of quite substantial Georgian villas in Bridgetown. As well as being listed it makes a strong positive contribution to the conservation area. To the rear the building has undergone significant 20th century alterations including a poor quality extension. The building was built as a private residence but has been used as a residential / care home, offices and a dental practice in the past. These uses have led to some harmful alterations, including an ugly fire escape on the eastern side that is shared with the neighbouring property.

The locality is primarily residential interspersed with a number of business premises, notably the local corner shop.

The Proposal: Conversion of B1 office to C3 residential including demolition of modern extensions to listed building. Erection of detached dwelling to rear garden of property. The proposal will provide 2 one bedroom flats and 3 two bedroom flats/ apartments within the listed building – these will be accessed via the historic front door. A new 3 bedroom house is proposed to the rear which replaces poor quality 20th century additions of a similar height and volume. Six parking spaces are identified to the rear as well as the communal bin store.

Consultations:

- County Highways Authority – Standing advice applies.
- Drainage – Following objections and queries relating to drainage the drainage team were re-consulted and it was confirmed that the original comments remained valid. These were:-

'Thank you for consulting us on the above application. As an internal consultee we advise the LPA on foul and surface water drainage matters to ensure the development complies with the relevant legislation and guidance, including but not limited to, the NPPF and Flood and Water Management Act 2010.

Recommendations – No objection

Based on the information provided we would support the current proposal. Sufficient information has been provided to demonstrate a workable scheme, the final design will need to be agreed with the LPA. Therefore if permission is granted please include the following conditions to finalise the drainage design.

Observations and comments

This is an application for the conversion of B1 office to C3 residential including demolition of modern extensions to listed building and erection of detached dwelling in the rear garden, within a Critical drainage Area (CDA). Within the CDA the surface water should be managed on site to reduce the burden on the sewer network. Soakaways are the first choice and must be fully explored and discounted before an offsite discharge can be considered.

The application site being within CDA requires an offsite discharge rate to be limited to 1:10 years Greenfield (GF) runoff rate. However, if the application site is small and the calculated Greenfield runoff rate is too small to be practically achievable, then a maximum offsite discharge rate of 1.0l/s can be considered. Which is achievable in most cases with suitable pre-treatment and shallower storage depth.

Having reviewed the plan it would appear that this development is unlikely to increase an impermeable area. However any redevelopment within CDA, provide an ideal opportunity to improve the drainage situation and reduce the current load on the sewerage network. Therefore drainage situation should be improved to bring it up to current standards.'

Surface Water condition

Notwithstanding the submitted information, no development shall be commenced until full details of the most sustainable drainage option has been submitted to and approved in writing by the Local Planning Authority (LPA). Design steps as below:

- 1. Soakaway testing to DG 365 to confirm the use of soakaways or to support an alternative option. Three full tests must be carried out and the depth must be representative of the proposed soakaway. Test results and the infiltration rate to be included in the report.*
- 2. If infiltration is suitable then the soakaway should be designed for a 1:100 year return period plus an allowance for Climate change (currently 40%).*
- 3. If the infiltration rate is good, but due to site constraints a full soakaway can't be accommodated then a split attenuation / soakaway system should be considered to manage the surface water on site.*
- 4. Only once all of the above have been assessed and discounted will an offsite discharge be deemed acceptable. Attenuation should be designed for a 1:100 year return period plus an allowance for Climate change (currently 40%).*
- 5. The offsite discharge will need to be limited to 1:10 year Greenfield runoff rate. This must be calculated in accordance with CIRIA C753. Full details of the flow control device will be required.*
- 6. If discharging surface water to the main sewer, then written permission from SWW will be required.*
- 7. The drainage details of the car park and access will be required. If it is proposed to be permeable then it should be designed in accordance with CIRIA C753. Full design details and sectional drawing showing the specification and make up will be required.*
- 8. A scaled plan showing full drainage scheme, including design dimensions and invert/cover levels, within the private ownership.*

9. *The drainage scheme shall be installed in strict accordance with the approved plans, maintained and retained in accordance with the agreed details for the life of the development.*

Reason: To ensure surface water runoff does not increase to the detriment of the public highway or other local properties as a result of the development.

Officers have sought further clarification on the foul drainage aspects to be sure that the objections raised have been covered and the specialist dealing with drainage matters has confirmed:-

'The reason why I didn't mention about foul drainage is that the existing building is already linked to main sewer which runs along Somerset Place. The objection says they will need to connect it into a private system, which doesn't seem the case as the applicants have a direct access to the main sewer in Somerset Place. But I think it would be good to add a foul drainage condition to safeguard the position'.

- Totnes Town Council – No objections

- Devon County Archaeology –

The proposed development is in an area of archaeological and historic interest relating to the medieval and post-medieval town of Bridgetown. Groundworks for the construction of the new dwelling may therefore disturb and destroy archaeological deposits.

Recording archaeology within the site would be in accordance with Joint Local Plan policy and the National Planning Policy Framework (2018) and in the absence of a mitigation strategy being submitted with the application I would advise that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

'No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Planning Authority.

Reason

To ensure that an appropriate record is made of archaeological evidence that may be affected by the development'.

I would envisage a suitable programme of work being a staged programme, commencing with monitoring of any geotechnical test pits and/or the excavation of evaluation trenches and followed by further recording depending on the observed survival of archaeological deposits and the extent of proposed groundworks.

Representations:

Representations were made by four individuals or couples objecting to the proposed development, some comments were duplicated via web and letter and some multiple representations. The issues raised can be summarised as follows:-

- There is no precedent for new development in gardens.
- The lack of parking indicates over development – there is already insufficient resident on street parking in the area.
- Parking spaces are too small and vehicle manoeuvring will be impractical.
- Harm to the character of the conservation area and the setting of the listed building.
- Loss of business and employment premises.
- Noise transmission to neighbours. This will be worse in a subdivided property.
- The Design and Access Statement and plans (the volumetric plan) are misleading.
- The new build will affect the party wall with neighbour.
- Viability is not a reason to accept development.
- No direct access to the bin store for flats will lead to rubbish being left in front of the building.

- Increased height and bulk of the new build compared to the existing.
- Overlooking and loss of light to neighbour.
- Use of bin store and car park will disturb neighbours.
- Distance from flats to bin store is prohibitive and will cause problems.
- New build is not 'high quality design' and inappropriate in this location.
- Living roof will not be maintained and will become unattractive.
- There are no fire escapes for the flats.
- The proposed drainage solution cannot work as it relies on agreement of others that will not be given.

Relevant Planning History:

0339/16/FUL - Conversion of B1 office to C3 residential including demolition of modern extensions to listed building. Construction of detached dwelling to rear garden of property.
WITHDRAWN

0340/16/LBC - Conversion of B1 office to C3 residential including demolition of modern extensions to listed building. Construction of detached dwelling to rear garden of property.
WITHDRAWN

ANALYSIS

Principle of Development/Sustainability:

The property is in a prime sustainable residential location with good facilities available on foot and access to public transport. The building was designed and built for residential use but its scale has made it unlikely to be returned to use as a single dwelling. Whilst it has had other uses, there is no reason why a well-considered return to residential use cannot be seen as an 'optimum viable use'.

The property has not been in an employment use for a number of years and there appears little or no demand for office space in this locality.

The new dwelling proposed will replace an extension of similar size but positioned to enable restoration of the rear elevation of the listed building. It is not so much development in a garden, but positive replacement of an existing structure that has harmed a listed building and its setting. Whilst not considered to be a justification for the proposed development, there are two dwellings within the historic adjacent plot to the east, one immediately behind the main property and the other alongside Somerset Place. These were both conversions, with it appears some enlargement.

The current proposal is the result of detailed pre-application discussion with officers. Despite some harmful alterations to facilitate previous uses the interior of the building retained much of its historic plan. The desirability of preserving the best rooms and the good staircase with minimal change is why it proved impossible for the flats to have rear access to the parking area and bin store. This is a compromise required to protect the special interest of the listed building and not something the applicant chose to do for any other reason.

Design:

The listed building will be restored with the main elevation effectively unaltered and the interior sensitively handled. The rear and side elevations will be enhanced.

The new build is a clean and contemporary addition which is an appropriate approach on the rear of a listed building in these circumstances. The use of a metal roof cladding for the two storey part enables the scale to be kept to an acceptable level and the incorporation of flat roofing on the single storey element minimises any effect on views of and from the listed building. Such design solutions are now used regularly in heritage situations and read as an

honest modern addition. Insistence on the use of slate roofing would be an inappropriate requirement based on subjective taste. Conditions are proposed to control the materials, details of eaves etc which need to be well executed to ensure such a design is translated into an acceptable result.

Landscape:

A landscape condition is proposed to agree details of the front garden and rear yard, parking area and bin store.

Neighbour Amenity:

The fenestration of the historic building is unaltered except for the reinstatement of a rear first floor window and replacement of the fire escape door to a window on the eastern side. These changes present no effect on neighbours.

The new build has been designed to ensure minimise the potential for overlooking issues from the new dwelling. There is some potential for the adjoining property to the east to overlook the new development, but the relationship is not considered to be unusual or unacceptable in a town centre situation.

The reduction in height of the new build from the previous proposal (withdrawn) means loss of light is not an issue. The new dwelling will be slightly lower on the western boundary than the existing extensions. The ridge of the proposed roof is higher than existing but the orientation and pitch means that any loss of light to the neighbour will be minimal and very early in the morning. The south facing orientation means that any impact is negligible and will not harm the amenity of the neighbouring property.

The subdivision of a large building to create a number of units is common practice in town centre locations and there is no reason to suggest this change of use will adversely impact on the amenity of neighbours. The last use as a dentist would have given rise to a significantly higher number of comings and goings than the proposed dwellings.

Details of the bin store are controlled by condition and the location means there should be no negative impact on the neighbouring properties. It is noted that bins for Bridgetown properties are presently collected from Somerset Place and bins are visible on the street much of the time. The proposed development will keep bins away from the street frontage, screened behind an enclosure which could be roofed if considered beneficial.

The impact on neighbour amenity is, therefore, considered to be acceptable.

Highways:

The provision of a single parking space for each unit is considered acceptable in this town centre location. Public transport is accessible and a bike store is provided. The fact that residents of the flats will have to walk around the block to reach their parking is not ideal, but it is a result of pre-application negotiations that aimed to minimise alterations to the internal building plan. Existing parking restrictions at the front of the property will prevent on-street parking, within Totnes town centre less convenient parking is common and acceptable.

The parking spaces accord with the recommended dimensions for such development – 2.4m x 4.8m. With 5.9m between the two rows there is considered to be enough room for vehicles to manoeuvre.

There is no change proposed to the vehicular access to the site.

For these reasons Highway and Access impacts are considered to be acceptable.

Bin storage:

As explained the lack of access for the flats to the rear is not ideal, but is for sound reasons. Occupants of the flats are unlikely to produce more than one bag of non-recyclable material in

each collection cycle and if they have a car they will regularly pass the bin storage area allowing use of recycling bins. Bin collection will be from Somerset Place but as assurance a condition is proposed stating the front garden must not be used for storage purposes unless formally agreed in writing with the LPA. The design of the bin store is required to be agreed via condition.

Drainage:

The objections made on drainage grounds do not appear to be correct as the property has direct access to the mains. For the avoidance of doubt this is covered by a foul drainage condition and so is not considered a reason for refusal.

Other objections:

- Party wall issues are covered by the Party Wall Act and the developer will need to resolve any issues via that process.
- There is no reason to believe that the development proposed will lead to any noise nuisance that could not occur were it to be a single dwelling or a house in multiple occupation.
- Lack of maintenance of the property has in no way influenced consideration of the application.
- The question of viability has not been given weight in the planning balance, the proposal has been assessed on its merits.

Planning Balance:

The proposed development will provide 6 new residential units within the town centre and will secure the long term viable future of an important listed building within the Bridgetown Conservation Area. The proposed new dwelling to the rear replaces unsympathetic extensions allowing a positive enhancement to the listed building, enabling the listed building redevelopment while having no significant adverse impacts.

The proposed development is in accordance with national and local planning policy and represents sustainable development. As such it is recommended that planning permission is granted.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and, with Sections 66 and 72 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:

South Hams LDF Core Strategy

CS1 Location of Development

CS7 Design

CS9 Landscape and Historic Environment

Development Policies DPD

DP1 High Quality Design
DP3 Residential Amenity
DP4 Sustainable Construction
DP5 Conservation and Wildlife
DP6 Historic Environment
DP7 Transport, Access & Parking

Emerging Joint Local Plan

Status of emerging JLP policies for decision makers

The Plymouth & South West Devon Joint Local Plan is currently undergoing a main modifications consultation (22 Oct – 03 Dec 2018) as part of the examination in public to determine the soundness of the plan. The National Planning Policy Framework provides guidance on the weight that can be given to policies in emerging local plans in paragraph 48:

48. Local planning authorities may give weight to relevant policies in emerging plans according to:

a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)

The JLP is nearing the conclusion of the examination process, and can be considered to be at an advanced stage of preparation.

Whilst technically all objections are unresolved until the Inspectors' issue their Final Report, some policies which did not receive objections at the Reg 19 stage could be given very significant weight. The nature and scope of objections made regarding each policy have been taken into account when determining the weight to be apportioned to each emerging policy.

The Council consider that the emerging policies are all compliant with the NPPF. It should be noted that the JLP is being examined against the provisions of the 2012 NPPF, and therefore for the purposes of paragraph 48 of the NPPF policies should also be assessed for their conformity against the 2012 NPPF.

In considering the merits of this proposal, case officer recommendations are informed by the weight that can be attributed to emerging JLP policies and adopted development plan policies, as well as the degree of conformity with the new NPPF.

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

SPT1 Delivering sustainable development
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
DEV1 Protecting amenity and the environment
DEV10 Delivering high quality housing
DEV20 Place shaping and the quality of the built environment

DEV21 Conserving the historic environment
DEV22 Development affecting the historic environment

Neighbourhood Plan

The NP is in development.

NPPF

8, 11, 38, 39, 47, 48, 68, 118, 122, 127, 130, 187, 189, 190, 192, 200

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.

Conditions:

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. Accord with plans as submitted – to be listed in full on decision notice.
3. Prior to their installation details / samples of facing materials and of roofing materials to be used in the construction of the proposed new dwelling and those to be used in the repair of the existing building shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with those samples as approved.

Reason: In order to protect the character of the conservation area, the listed building and its setting.

4. Notwithstanding the details submitted, prior to their installation details of all new windows, doors and sills including cross-sectional drawings at a minimum scale of 1:10, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with these details and retained as such.

Reason: In the interests of protecting the special architectural and historical character of the listed building and its setting.

5. Prior to the undertaking of conversion works to the listed building a full schedule of works shall be submitted to and approved in writing by the Local Planning Authority to include the following:
 - All works required to comply with the building regulations in terms of fire containment, acoustic or thermal insulation.
 - Location and design of all vents, pipes, flues etc required for the installation of services.

Reason: In the interests of protecting the special architectural and historical character of the listed building and its setting.

6. No works of excavation, trenching or ground disturbance shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority. The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Planning Authority.

Reason: To ensure that an appropriate record is made of archaeological evidence that may be affected by the development.

7. Prior to occupation of any part of the development hereby approved, details of the disposal of foul water shall be submitted to and approved in writing by the Local Planning Authority and the approved foul water system shall be installed prior to occupation of the dwellings. Following its installation the approved scheme shall be permanently retained and maintained thereafter.

Reason: To safeguard the amenities of the locality and to ensure that the development is adequately drained.

8. Prior to any construction of the new build element of the proposed development full details of the most sustainable drainage option shall be submitted to and approved in writing by the Local Planning Authority (LPA). Design steps as below:

1. Soakaway testing to DG 365 to confirm the use of soakaways or to support an alternative option. Three full tests must be carried out and the depth must be representative of the proposed soakaway. Test results and the infiltration rate to be included in the report.

2. If infiltration is suitable then the soakaway should be designed for a 1:100 year return period plus an allowance for Climate change (currently 40%).

3. If the infiltration rate is good, but due to site constraints a full soakaway can't be accommodated then a split attenuation / soakaway system should be considered to manage the surface water on site.

4. Only once all of the above have been assessed and discounted will an offsite discharge be deemed acceptable. Attenuation should be designed for a 1:100 year return period plus an allowance for Climate change (currently 40%).

5. The offsite discharge will need to be limited to 1:10 year Greenfield runoff rate. This must be calculated in accordance with CIRIA C753. Full details of the flow control device will be required.

6. If discharging surface water to the main sewer, then written permission from SWW will be required.

7. The drainage details of the car park and access will be required. If it is proposed to be permeable then it should be designed in accordance with CIRIA C753. Full design details and sectional drawing showing the specification and make up will be required.

8. A scaled plan showing full drainage scheme, including design dimensions and invert/cover levels, within the private ownership.

9. The drainage scheme shall be installed in strict accordance with the approved plans, maintained and retained in accordance with the agreed details for the life of the development.

Reason: To ensure surface water runoff does not increase to the detriment of the public highway or other local properties as a result of the development.

9. Prior to construction of the new build element above ground level full details shall be provided and agreed in writing with the local planning authority to show:

- The abutment of the new structure with the adjoining wall(s).

- The design of the eaves, including rainwater goods in detailed sectional drawings at 1:10 minimum.

Reason: To protect historic fabric, neighbour amenity and ensure that the development complements the setting of the listed building.

10. No dwelling unit shall be occupied until a landscaping scheme has been submitted to and approved by the Local Planning Authority, indicating:-
 - The surface treatments of the proposed parking area and access with an appropriate planting scheme.
 - Landscaping of the rear garden/ yard areas.
 - Details of the construction and design of the bin and bike stores.
 - Landscaping and planting scheme for the front garden area.

The scheme submitted shall be fully implemented in the planting season following the occupation of any part of the development. Plants shall be protected, maintained and replaced as necessary for a minimum period of five years following the date of the completion of the planting.

Reason: In the interest of visual amenity in order to enhance the conservation area, the amenities of the locality and the setting of listed buildings.

11. For the avoidance of doubt the front garden is not to be used for the storage of bins or other items unless agreed in writing with the local planning authority.

Reason: To protect the setting of the listed building and the character and appearance of the conservation area.

12. The new dwelling hereby approved shall not be occupied until the approved works to the listed building have been completed to the satisfaction of the local planning authority.

Reason: To ensure that the works to secure an optimum viable use for the listed building are fully completed.

13. The details of the removal of the fire escape structure, in whole or part, and associated remedial works shall be agreed in writing with the local planning authority and the agreed works be carried out prior to the occupation of any of the dwelling units hereby approved.

Reason: To secure enhancement of the listed building, setting and the character and appearance of the conservation area.