

Reference No: 23/00152/MFUL
Parish: Tiverton 52



TOWN AND COUNTRY PLANNING ACT 1990

APPROVAL OF FULL PLANNING APPLICATION

Name and Address of Applicant

Mr John Dennis
Dennis Developments Ltd

Name and Address of Agent

Ms Elizabeth Bricknell
Avalon Planning & Heritage
The Generator
Kings Wharf
Exeter
EX2 4AN

Date Registered : 6th March 2023

Date of Permission : 17th June 2024

Proposal: Conversion of main building to 8 flats and erection of 6 dwellings with associated parking and landscaping following demolition of cell block and office annexe.

Location: Former Police Station The Avenue Tiverton Devon

Site Vicinity Grid Ref: 296141/112464

MID DEVON DISTRICT COUNCIL HEREBY GRANTS FULL PLANNING PERMISSION FOR THE ABOVE DEVELOPMENT

NOTE: THIS DECISION NOTICE IS SUBJECT TO A UNILATERAL UNDERTAKING/SECTION 106 AGREEMENT, A COPY OF WHICH IS AVAILABLE TO VIEW ON PUBLIC ACCESS.

Subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:
 - (a) the timetable of the works;
 - (b) daily hours of construction;
 - (c) any road closure;
 - (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
 - (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;

- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works; and
- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site;
- (k) details of wheel washing facilities and obligations;
- (l) The proposed route of all construction traffic exceeding 7.5 tonnes;
- (m) Details of the amount and location of construction worker parking;
- (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work.

4. No development hereby permitted shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:
 - (a) Soakaway test results in accordance with BRE 365, groundwater monitoring results in line with our Devon County Council groundwater monitoring policy.
 - (b) A detailed drainage design based upon the approved Flood Risk Assessment and Drainage Strategy.
 - (c) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.
 - (d) Proposals for the adoption and maintenance of the permanent surface water drainage system.
 - (e) A plan indicating how exceedance flows will be safely managed at the site.

No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (e) above.

5. Prior to first occupation of the converted building, details shall be submitted to and approved in writing by the Local Planning Authority to confirm sound insulation measures between adjacent floors and between all living accommodation and stairs to avoid noise transmission. Sound insulation shall meet appropriate British standards.
6. The proposed tree planting will need to be afforded suitable aftercare to ensure successful establishment. Following tree planting, that should be carried out in accordance with best practice, each specimen and tree should be provided with a hydration bag.

For a period of three years all newly planted trees should be watered, filling of hydration bags where fitted, by applying a minimum of 60 litres of water per visit with 14 visits per season during the spring and summer. Stake and ties should be reviewed at every second visit and adjusted appropriately and combined weeding carried out. After three years where a tree have been staked and tied these should be removed.

Any trees that are found to be dead, dying, severely damaged or diseased within five years of the completion of the building works OR five years of the carrying out of the landscaping scheme (whichever is later), shall be replaced in the next planting season by specimens of similar size and species in the first suitable planting season.

Prior to the expiry of 5 years where dead, dying, severely damaged or diseased trees are to be replaced a review of the tree stock should be carried out by the council with a view to a Tree Preservation Order being placed to ensure long-term protection.

7. Prior to the erection of the external surface materials as shown on the approved plans, details of the colour and finish of the material to be used (including samples where appropriate) shall be submitted to and approved in writing by the Local Planning Authority. Such approved details shall be so used and retained.
8. First occupation of any dwelling shall not take place until details of street furniture to be provided within the public areas have been submitted to and approved in writing by the Local Planning Authority. Such details shall include benches or other seating, dog waste and litter bins and handrails where required, together with a timescale for their delivery. Following their provision, such facilities shall be permanently retained and maintained for their purpose at all times.
9. The first occupation of any dwelling shall not take place until bin stores have been provided in accordance with the approved details.
10. No external lighting shall be installed on any part of the site unless as part of an external lighting plan that has been previously approved in writing by the Local Planning Authority. The external lighting plan should include all details of external lighting and light levels falling on wildlife habitats and demonstrate how dark corridors will be provided for wildlife.
11. All development hereby approved shall be developed in accordance with recommendations in the Ecology Survey Report (updated) and the Landscape and Roof Plan Rev J6.
12. Prior to the first occupation hereby approved, bat and bird boxes shall be installed in accordance with a scheme which shall previously have been submitted to and approved in writing by the Local Planning Authority. Once installed, the approved measures shall be retained indefinitely. This scheme shall be in accordance with the Ecology Survey Report (updated).
13. All planting, seeding, turfing or earthworks comprised in the approved details shall be carried out within 9 months of the substantial completion of the development, (or phase thereof), whichever is the sooner; and any trees or plants which within a period of five years from the implementation of the scheme (or phase thereof) , die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species
14. Notwithstanding the provisions of Article 3 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development of the types referred to in Classes A, AA, B and E of Part 1 of Schedule 2 relating to the enlargement, improvement or other alteration of a dwellinghouse, enlargement by construction of an additional storey, addition or alteration to the roof, and provision within the curtilage of the dwellinghouse of any building or enclosure, swimming or other pool, container for domestic heating purposes for storage of oil or liquid petroleum gas, shall be undertaken within the application site without the Local Planning Authority first granting planning permission.

REASONS FOR CONDITIONS:

1. In accordance with the provisions of the National Planning Policy Framework 2019 and Planning Practice Guidance, to help ensure the housing proposal is implemented in a timely manner.
2. For the avoidance of doubt and in the interests of proper planning.

3. To ensure that adequate on-site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents.
4. The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or down-stream in line with SuDS for Devon Guidance (2017) and national policies, including National Planning Policy Framework and Planning Policy Guidance. The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.
5. To protect the amenity of future occupiers.
6. To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 to safeguard and enhance the amenity of the area, to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality.
The following British Standards should be referred to:
 - a. BS: 3882:2015 Specification for topsoil
 - b. BS: 3998:2010 Tree work - Recommendations
 - c. BS: 3936-1:1992 Nursery Stock - Part 1: Specification for trees and shrubs
 - d. BS: 4428:1989 Code of practice for general landscaping operations (excluding hard surfaces)
 - e. BS: 4043:1989 Recommendations for Transplanting root-balled trees
 - f. BS: 5837 (2012) Trees in relation to demolition, design and construction - Recommendations
7. To ensure the development makes a positive contribution to the area in terms of its character and visual amenity.
8. To ensure adequate facilities are provided that are functional for all residents of the site in terms of accessibility in accordance with the provisions of the National Planning Policy Framework.
9. To ensure adequate facilities for waste management are provided on site to protect the residential amenity and visual qualities of the area.
10. In order to protect wildlife habitats from light pollution in accordance with the provisions of the National Planning Policy Framework.
11. In order to protect wildlife habitats in accordance with Policy S1 of the Mid Devon Local Plan 2013-2033 and the provisions of the National Planning Policy Framework.
12. In order to protect wildlife habitats in accordance with Policy S1 of the Mid Devon Local Plan 2013-2033 and the provisions of the National Planning Policy Framework.
13. To ensure that the development makes a positive contribution to the character and amenity of the area in accordance with Policies S1 and DM1 of the Mid Devon Local Plan 2013-2033.
14. To protect the privacy and amenities of future and neighbouring occupiers and to ensure adequate parking and amenity space are maintained for the proposed dwelling in accordance with Policy DM1 of the Mid Devon Local Plan 2013-2033.

INFORMATIVE NOTE:

1. The Local Planning Authority recommends that all stairs and floors within the apartment building are carpeted or provided with other suitable flooring which incorporates impact and airborne noise insulation.

BIO DIVERSITY NET GAIN

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be Mid Devon District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. This is listed below.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun for the following reason:

The application for planning permission was made before 12 February 2024.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The National Planning Policy Framework, paragraph 120c confirms that substantial weight should be given to the use of brownfield land for homes within settlements. Redevelopment of this site has opportunity to enhance a long-standing brown field site that lies within the settlement limit of Tiverton. On this basis, the proposed development accords with Policy S1 of the Mid Devon Local Plan 2013-2033 with a development focus towards Mid Devon's more sustainable settlements. It is not considered that the proposed development would have an unacceptable impact on residential amenity or highway safety. It will not increase the risk of flooding locally. Biodiversity mitigation and net gains have been considered in detail and can be suitably secured on site through condition.

Comprehensive discussions have taken place regarding the retention of the locally listed building and the detailed design and layout of the wider scheme. It is considered appropriate to recommend approval with conditions necessary to ensure the success of the development in this location. As such, it is considered that the proposed development is in accordance with Policies S1, S3, S4, S5, S9, S10, TIV15, DM1, DM5, DM25, DM26 of the Mid Devon Local Plan 2013-2033, Policies T1, T2, T4, T5, T6, T7, T8 and T16 of the Tiverton Neighbourhood Plan and the aims and objectives of the National Planning Policy Framework.

Statement of Positive Working

In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.

DEVELOPMENT PLAN POLICIES:

Mid Devon Local Plan 2013 –2033

S1 - Sustainable development priorities
S2 - Amount and distribution of development
S3 - Meeting housing needs
S5 - Public open space
S8 - Infrastructure
S9 - Environment
S10 - Tiverton
TIV15 - Tiverton Infrastructure
DM1 - High quality design
DM2 - Renewable and low carbon energy
DM3 - Transport and air quality
DM4 - Pollution
DM5 - Parking
DM25 - Development affecting heritage assets
DM26 - Green infrastructure in major development

Tiverton Neighbourhood Plan 2020 –2033

T1 - Location and scale of development in Tiverton
T2 - Meeting local housing needs
T3 - Providing lifetime affordable housing
T4 - Character of development
T5 - Design of development
T6 - Energy efficiency and design
T7 - Minimising the risk of flooding
T8 - Local Buildings and Structures of Merit and Heritage assets at risk
T9 - Network of green and blue infrastructure
T16 - Encouraging safe and sustainable movement

Relevant Plans

The plans listed below are those approved. No substitution shall be made.

Plan Type	Reference	Title/Version	Date Received
Supporting Information		Drainage Maint Strategy	25/09/2023
Proposed	A1/001 Rev A	Drainage Layout	25/09/2023
Proposed	A1/002	Drainage Const Details	25/09/2023
Proposed	A1/003	Overland Exceedance Map	25/09/2023
Site Location Plan			01/03/2023
Proposed	20-423-12G	Unit 2 Plans/Sect/Elevs	01/03/2023
Proposed	20-423-13E	Unit 3 Plans/Sect/Elevs	01/03/2023
Proposed	20-423-15F	Unit5&6 Plans/Sect/Elevs	01/03/2023
Proposed	20-423-14E	Unit 4 Plans/Sect/Elevs	16/03/2023
Proposed	20-423-11H	Unit 1 Plans/Sect/Elevs	16/03/2023
Proposed	20-423-17G	Main Build/Site N&S Elev	16/03/2023

Proposed	20-423-18G	Main Building W&E Elev	16/03/2023
Proposed	20-423-20E	Main Building West Elev	16/03/2023
Proposed	20-423-09 Rev J6	Landscape and Roof Plan	22/08/2023
Proposed	20-423-10 Rev J2	Main Building Floor Plan	20/04/2023
Proposed	20-423-08 Rev J3	Site Plan	26/04/2023
Proposed	D14 471 P2.2	AIA Plan	26/04/2023
Wildlife Survey	Update	Ecology Survey Report	27/04/2023
Supporting Information		Carbon Reduction Stateme	01/03/2023
Supporting Information		Waste management Plan	01/03/2023

A copy of the approved plans will be available on Mid Devon's online planning facility.

Website: <http://www.middevon.gov.uk/planning>

Signed:



Angharad Williams
Development Management Manager

Date: 17th June 2024

THIS DECISION IS NOT A DECISION UNDER BUILDING REGULATIONS AND SEPARATE CONSENT MAY BE REQUIRED. PLEASE CONTACT OUR BUILDING CONTROL DEPARTMENT FOR MORE INFORMATION.

Please refer to notes attached

NOTE –Failure to adhere to the details of the approved plans or to comply with the above conditions constitutes a contravention of the Town and Country Planning Act, 1990 in respect of which enforcement action may be taken.

TOWN AND COUNTRY PLANNING ACT 1990

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice and you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and you want to appeal against your local planning authority's decision on your application, then you must do so within:
28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.
- If you want to appeal against the Local Planning Authority's decision then you must do so within 6 months of the date of this notice.
- If this is a decision for a minor commercial application and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- If this is a decision for the display of an advertisement and you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://www.gov.uk/appeal-planning-decision>
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

Purchase Notices

- If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
- In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable is set out in Section 114 of the Town and Country Planning Act 1990.