



Appeal Decision

Site visit made on 18 April 2023

by C Butcher BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 June 2023

Appeal Ref: APP/Y1138/W/22/3310067

Land at the rear of 2 Angel Hill, Tiverton EX16 6PE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by 3 Rivers Developments Limited (Mr Nick Sanderson) against Mid Devon District Council.
 - The application Ref 22/00672/Full, is dated 20 March 2022.
 - The development is the provision of residential parking and landscaping works.
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Decision

1. The appeal is allowed and planning permission is granted for the provision of residential parking and landscaping works at land at the rear of 2 Angel Hill, Tiverton EX16 6PE in accordance with the terms of the application, Ref 22/00672/Full, dated 20 March 2022, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 201 AP-01 (Site Location Plan), 201 AP-02 (Proposed Block Plan), 380/PO2 (Car Park Planting Plan) and 100 TIV APG 01 DR A(10)006 Rev A (Car Park Layout).
 - 2) The approved landscaping (shown on Drawing no. 380/PO2) shall be carried out within the first planting season following substantial completion of the development, or the development being first brought into use, whichever is sooner. Any trees or plants which, within a period of five years die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size or species.

Applications for costs

2. An application for an award of costs was made by 3 Rivers Developments Limited against Mid Devon District Council. This application will be the subject of a separate decision.

Preliminary Matters

3. I have determined this appeal on the basis of the Council's failure to determine the planning application within the statutory timescale. The minutes of the Committee meeting that took place on 27 July 2022, as well the subsequent Implications Report that was presented to Committee on 7 September 2022, set out the matters that are in dispute between the parties. The main issues below have been informed by those documents. In the absence of any further evidence from the Council to indicate otherwise, it would appear that there is no dispute between the parties beyond those matters.

4. I observed on my site visit that development had commenced with the laying of hardstanding for the car park. However, in order to accord with the approved plans, the parking spaces still need to be marked out and the landscaping is yet to be undertaken. The development is therefore part retrospective.
5. The application form incorrectly referred to the street name as 'Angle Hill'. I have used the correct spelling in this decision.

Main Issues

6. The main issues are the effect of the development on the character and appearance of the area, as well as the living conditions of nearby residents, with particular regard to air quality.

Reasons

Character and appearance

7. The appeal site is situated within the Tiverton Conservation Area, immediately adjacent to the River Exe and close to the main high street. There are a number of historic red brick or stone built buildings nearby, some of which are Grade II listed. In many areas, mature trees line the river which add greenery and contribute positively to the overall character of the area.
8. Once complete, the development would provide parking spaces associated with the recently approved residential development which adjoins the appeal site to the south and is currently under construction. However, for the purposes of this decision, I am obliged to consider this specific development, rather than any impacts associated with the wider development as a whole.
9. The development itself is very modest, comprising an area of block paving for parking and associated landscaping. The parking spaces fit comfortably within the plot with room for manoeuvring of vehicles and landscape planting. Consequently, I do not share the Council's view that the scheme represents an over-development of the site. In addition, the site is situated very close to the town centre, where parking areas are common and so the addition of another very small car park would not appear out of keeping or incongruous with the surrounding area. This would particularly be the case given that the appeal site is very clearly linked, both physically and visually, to the adjacent residential development that it serves.
10. The site is in a prominent location given that it is highly visible from the opposite bank of the river. While the proposal would introduce additional hardstanding, it also includes a landscaping scheme that would provide a green buffer between the parking area and the river which would soften the impact of the development on the vista and help it to relate to the surroundings where there is already plenty of greenery along the river. Views into the site would also be screened by a timber and mesh fence that would incorporate climbing plants to provide further greenery. As a result, the current visual enjoyment of the river and its surrounds would be maintained.
11. I therefore find that the development, once properly landscaped, would not harm the character and appearance of the area. It is therefore in conformity with Policies S1, S9 and DM1 of the Mid Devon Local Plan Review 2013-2033, adopted July 2020 (the Local Plan), which taken together, seek to ensure that

development is sustainable, of a good design, and preserves the character of the local environment. The development is also in conformity with the overall aims and objectives of the National Planning Policy Framework (the Framework).

Living conditions

12. The approved plans demonstrate that none of the parking spaces would be located immediately adjacent to any building elevations that contain windows at ground floor level. In addition, given that the site is not particularly enclosed, any exhaust fumes from cars entering or exiting the site would soon dissipate. As a result, it is highly unlikely that such fumes would have a negative impact on local residents. Indeed, the Council's Environmental Health officer has not objected to the application and I therefore have no evidence to suggest that harm could be caused in this regard.
13. The development is therefore in conformity with Policies DM1 and DM4 of the Local Plan, as well as the relevant elements of the Framework. As a whole, these policies seek to ensure that development is safe, well designed and does not impact negatively on the quality of the environment or the living conditions of residents as a result of increased pollution.

Other Matters

14. As noted above, the site is located within the Tiverton Conservation Area. It is also within the setting of several Grade II listed buildings: No's. 12, 14 and 16 Angel Hill, the War Memorial Library and Hall, and the Town Hall. Although the Council does not make reference to these heritage assets within its statement of case, I have had regard to the statutory duties set out within s66 and s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
15. The Conservation Area is largely characterised by the historic high street area which is lined with red brick or stone built buildings that have various styles and designs. Many of the buildings are in retail use, although there are also offices, particularly on upper floors of buildings, and residential dwellings. The significance of the Conservation Area is that of a historic town centre.
16. No's. 12, 14 and 16 Angel Hill have retail space at the ground floor with residential premises above. The walls are rendered and there are traditional wooden sash windows, including a cast iron balcony at first floor level. Their significance arises from their appearance as historic town centre buildings. The War Memorial Library and Hall and the Town Hall are stone built buildings which are of a substantial size and have a range of architectural features including, in the case of the Town Hall, a turret with a slate roof as well as marble columns. Their appearance and function as important civic buildings provides their significance.
17. In this instance, the development is of a very small scale and does not involve the provision of additional built form. In addition, parking areas are common in the wider town centre area, and therefore the development does not appear out of keeping. The proposed landscaping scheme also ensures that there is sufficient screening to help preserve the visual enjoyment of the surroundings. As a result, the completed development would not cause harm to the significance of either the Conservation Area or the listed buildings.

18. Concerns have been raised about the number of spaces associated with the wider development scheme and the potential for parking pressure in nearby streets, particularly given the lack of an existing residents permit scheme. However, the number of car parking spaces for the residential scheme would have been considered by the Council at the time that the application was determined. It is therefore not an issue that is before me.

Conditions

19. The development has commenced and therefore the standard time condition is not necessary. However, as the development is not yet complete, I have imposed a condition to identify the relevant plans in the interests of certainty.
20. The approved plans identify the proposed planting and landscaping scheme for the site. I am satisfied that this is sufficient and therefore a condition to require the submission and approval of a landscaping scheme is not necessary. However, I have imposed a condition to ensure that the landscaping scheme is implemented.

Conclusion

21. The development is in accordance with the development plan when considered as a whole. Having had regard to all matters raised, I conclude that the appeal should be allowed.

C Butcher

INSPECTOR