

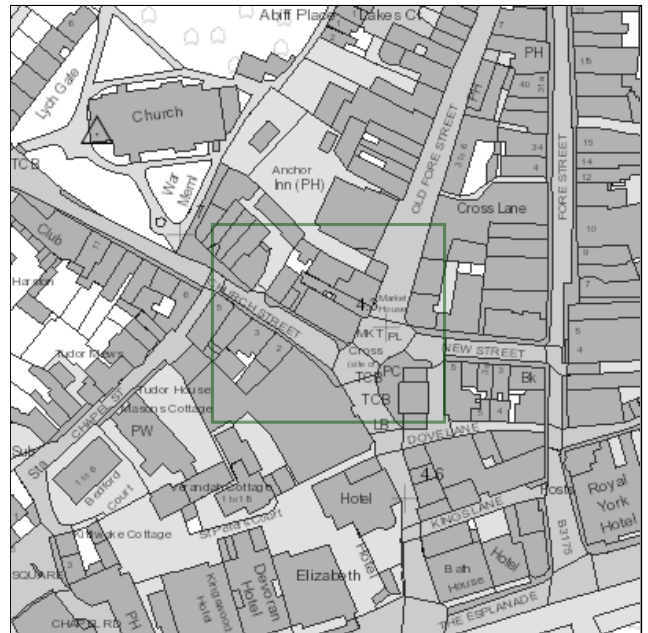
Ward Sidmouth Town

Reference 20/2265/FUL

Applicant Mr R and C Gliddon

Location Flat Sheffield House Church Street Sidmouth
EX10 8LX

Proposal Change of use from one flat to two flats and alterations.



RECOMMENDATION: Refusal

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		Committee Date: 10th March 2021	
Sidmouth Town (Sidmouth)	20/2265/FUL	Target	Date:
		17.12.2020	
Applicant:	Mr R and C Gliddon		
Location:	Flat Sheffield House		
Proposal:	Change of use from one flat to two flats and alterations.		

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

This application is before the Planning Committee as the officer recommendation if contrary to the view of a Ward Member.

The application involves, principally, the internal reorganisation of an existing maisonette above a ground floor commercial premises in Sidmouth town centre to form an addition residential unit. The site is located within flood zones 2 and 3, as defined by the Environment Agency. This puts the site at significant risk of flooding. Consequently, flood risk is the key consideration, and it is necessary to undertake assessment of the proposal having regard to the sequential test. The sequential test seeks to avoid development in areas where there is a risk of flooding.

The proposal relates to the creation of one additional unit. Whilst, in common with the present accommodation, its position above the ground floor of the building would ensure that satisfactory refuge would be available to the occupiers of during an extreme event, it is considered that the provision of further units would be unacceptable since it potentially places a greater number of people at risk with attendant pressures placed upon emergency services. As such, notwithstanding the availability of safe refuge, as a matter of principle further intensification of units and occupancy within the flood zone should be avoided.

Furthermore, there are other locations within the District, which are outside flood zones 2 and 3, where one flat can be provided. Consequently, it is considered that the proposal fails the sequential test and, therefore, is unacceptable in flood risk terms.

The proposal, which also incorporates modest external operations in the form of the installation of 2no roof lights and the addition of a small dormer on the rear elevation, is considered to be acceptable in all other regards. However, due to the

failure of the proposal to meet the sequential test for flood risk, it is recommended that the application be refused.

CONSULTATIONS

Local Consultations

Parish/Town Council
SUPPORT

Sidmouth Town - Cllr Cathy Gardner

I know that other applications in town have been refused due to flood risk but in this case refusal seems odd. There is a flat there already so the risk to people is no different is it?

I would be happy to change my comment to support.

Technical Consultations

Environment Agency

CHANGE OF USE FROM ONE FLAT TO TWO FLATS AND ALTERATIONS FLAT,
SHEFFIELD HOUSE, CHURCH STREET, SIDMOUTH, EX10 8LX

Thank you for consulting us on this application.

Environment Agency position

We object to the proposal until the following points are addressed below.

Reason

The development site falls within Flood Zone 3. The flood risk commentary for the proposal, contained within the Design & Access Statement, does not constitute an appropriate flood risk assessment as required by planning guidance. This provides grounds for the Environment Agency to refuse the application.

However, basic considerations show that there will be no significant change over the existing situation, beyond the potential for increased occupancy within a similar 'more vulnerable' residential development. The site is noted to benefit from both tidal and fluvial defences, and the elevated nature shows that safe refuge during times of flooding can be provided.

Prior to committing further resource to this application, the Environment Agency would wish to seek the views of the planning authority as to whether the proposals are deemed to satisfy the Sequential Test. The outcome of the Sequential Test will be key to influencing the Environment Agency's thoughts on any further information required to provide a satisfactory flood risk assessment.

Conservation

CONSULTATION REPLY TO CENTRAL TEAM

PLANNING APPLICATION AFFECTING KEY BUILDING AND CONSERVATION
AREA

ADDRESS: Flat, Sheffield House, Church Street, Sidmouth

GRADE: Key building APPLICATION NO: 20/2265/FUL

CONSERVATION AREA: Sidmouth Town Centre & Seafront

PROPOSAL: Change of use from one flat to two flats and alterations

BRIEF DESCRIPTION OF HISTORIC CHARACTER/ ARCHITECTURAL MERIT:

Sheffield House is located within the Sidmouth Town Centre & Seafront Conservation Area and identified as a key building within the Character Appraisal as being of architectural importance or which make a significant contribution to the townscape. This prominent building is at the junction of several streets in Market Place in the heart of Sidmouth constructed in buff brick with red brick detailing, prominent original fenestration, including first floor bay windows, and arched margin pane windows and slate roof.

Its significance derives from the age and appearance of the property dating from the late C19, and the use of traditional materials and intricate design features and detailing; and its contribution to the street scene and wider Conservation Area.

HOW WILL PROPOSED ALTERATIONS AFFECT HISTORIC CHARACTER OF BUILDING AND ITS SETTING:

This application relates to the change of use from 1no. flat to 2no. flats. There is no objection in principle to this intensification. The proposed works include the provision of 2no. conservation roof lights on the principal south west elevation and a new dormer and sun pipe on the rear north east elevation. The latter will mainly be hidden from view and only glimpses of the new dormer and capped chimney maybe seen from Church Street. In addition, the 2no. roof lights, due to the pitch of the roof and the narrowness of the street will be visible, but only in wider views when approaching from the seafront (south)/ Market Place.

Whilst the roof lights will have some impact on this key building it is considered that this will be minimal. Overall the proposed works will not adversely affect the character or appearance of the key building or the wider Conservation Area.

PROVISIONAL RECOMMENDATION - PROPOSAL ACCEPTABLE

Environmental Health

Thank you for consulting Environmental Health.

I have considered the application and note that this site is close to nearby residents who may be impacted during the construction process. We would request the applicant to consult and follow the council's Construction Sites Code of Practice prepared by Environmental Health and adopted by the council in order to ensure that any impacts are kept to a minimum. This is available on the council's website.

I have liaised with the Council's Private Sector Housing Team and they have advised that they do not have any concerns as development should conform to Building Regulations. Private Sector Housing have also advised that the applicant should consult with the Fire and Rescue service on fire compartmentalisation; fire escapes and fire detection.

Other Representations

No third party representations have been made in respect of the application proposal.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 1 (Spatial Strategy for Development in East Devon)

Strategy 4 (Balanced Communities)

Strategy 5B (Sustainable Transport)

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 26 (Development at Sidmouth)

Strategy 43 (Open Space Standards)

Strategy 47 (Nature Conservation and Geology)

Strategy 48 (Local Distinctiveness in the Built Environment)

Strategy 50 (Infrastructure Delivery)

D1 (Design and Local Distinctiveness)

H3 (Conversion of Existing Dwellings and Other Buildings to Flats)

EN9 (Development Affecting a Designated Heritage Asset)

EN10 (Conservation Areas)

EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment System)

EN21 (River and Coastal Flooding)

EN22 (Surface Run-Off Implications of New Development)

E9 (Town Centre Vitality and Shopping Areas)

E13 (Use of Upper Floors in Shopping Developments)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Made Sid Valley Neighbourhood Plan 2018-2032 Policies

1 (Sid Valley Development Principles)

6 (Infill Development, Extensions and Trees)

7 (Local Distinctiveness)

9 (Residential Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2019)

Site Location and Description

Sheffield House is a two storey building, also incorporating accommodation within the roof space, of Victorian construction prominently located within the town centre at the junction of Church Street with Market Place. It presents elevations to both streets.

Although not listed as being of special architectural or historic interest, it is located within the designated Sidmouth Town Centre and Seafront Conservation Area, occupies a position within the defined Town Centre Shopping Area and forms part of a Primary Shopping Frontage.

It exhibits various detailed elements of architectural interest, including: a predominantly white brick external wall finish with red brick detailing beneath the eaves and over arch-headed window openings; the openings themselves, which contain timber windows; a total of five large bays on both road elevations, each with timber sliding sash windows (with three on the Church Street elevation on bracketed supports), and a shop entrance doorway on the corner of the building flanked by decorative columns. In addition, the Church Street elevation incorporates a hip-roofed projection with brick detailing and a tall arch-headed window that extends up beyond the eaves of the main roof of the building and encloses an internal staircase. The roof itself, which is steeply pitched and finished with natural slate, features a pair of hip-roofed dormers, one on each street elevation.

The premises house a retail unit on the ground floor with a four bedroom maisonette over both the first floor level and within much of the roof space. Access to both levels of the residential accommodation is via an entrance door in the Church Street elevation of the building and the internal staircase set within the hip-roofed projection referred to above.

The premises are also within flood zones 2 and 3.

Relevant Planning History

There is no previous history relating to the site that is material to consideration of the current application proposal.

Proposed Development

The application proposal principally involves internal modifications to adapt and sub-divide the living accommodation on the first and second floors of the building in order to form an additional flat.

The submitted floor plan details show the intended introduction of a second staircase off of the existing first floor corridor that would provide independent access to a proposed living room at this level (in place of an existing kitchen) and accommodation within the roof space in the form of two bedrooms and a bathroom. This maisonette would form one unit while the remainder of the first floor level accommodation would be adapted to form the other unit, incorporating a living room with kitchenette, a bedroom, a 'bedroom/study' and a shower room.

The only external operations would comprise the installation of a pair of 'conservation' roof lights in the Church Street elevation, to serve the bathroom and one of the bedrooms within the proposed maisonette, alongside the removal of an existing capped chimney and the addition in its place of a small flat-roofed slate hung dormer, with PVCu window, on the rear (north east) elevation of the building to house the proposed new internal staircase connecting the first and second floor level accommodation within the maisonette.

The application submissions advise that as the existing flat is large and now in need of modernisation, having had little upgrading in many years, the proposal is to make the most of the space available by dividing the two storey flat into two units.

ANALYSIS

The main issues for consideration are the principle of development, impact upon the character and appearance of the area, impact upon residential amenity, highway safety and flood risk.

Principle of Development

The site is located within the Built-up Area Boundary of Sidmouth as defined in the adopted Local Plan where Strategy 6 applies. Its provisions consider it an appropriate location through strategic policy to accommodate growth and development subject to specified criteria being satisfied. As such, the fundamental principle of provision of an additional residential unit in this town centre location is acceptable.

The proposal would also meet a number of the criteria set out in Policy E13, relating to the change of use of upper floors in defined Town Centre Shopping Areas for (among others) residential purposes, insofar as it would both avoid undermining the viability of the existing ground floor retail use of the building and preserve the existing separate access to its first and second floors.

Impact upon Character and Appearance of Area

The external alterations and enlargement of the building proposed are modest in nature and it is not considered therefore that they would result in any significant impact upon its character or appearance or that of the designated conservation area in which it is situated. Moreover, the broader heritage significance of the conservation area as a designated heritage asset would not be adversely affected.

The proposed conservation roof lights would occupy a steeply sloping roof pitch that would not materially impact the appearance of the building when viewed from street level; indeed, they would be screened in part from such views up and down Church Street by the existing dormer and projecting staircase enclosure. They would also be of modest size and therefore proportionate to the area of the roof plane that they would occupy.

Equally, the proposed rear dormer would be of very limited scale and, notwithstanding its flat-roofed form, would be largely hidden from all but limited view from a short length of Church Street owing to its modest size and its positioning set in from the hip end of the building and below the main roof ridge. As such, it would not detract from the character or appearance of the building, street scene or wider conservation area.

Impact upon Neighbour Amenity

Given the limited nature of the proposed modifications to the building in order to facilitate the 'conversion', it is not thought that the proposed intensification in residential occupancy of the upper floors of the building that would in all likelihood result from the proposed development would result in any detrimental impact upon the living conditions of the occupiers of any neighbouring or nearby residential properties through overlooking/loss of privacy or through being unduly physically intrusive or dominating as to cause any material loss of light, aspect or outlook.

Access/Parking/Highways

The site occupies a sustainable town centre location amidst services and facilities with ready access to both public car parks and good public transport links; the main bus terminus is a short walk away from the site. In such circumstances, it is not considered that the absence of any parking spaces within the site for use in conjunction with a potentially more intensive occupation of the building weighs against the proposal.

Flood Risk

As stated above, the site is located within flood zones 2 and 3.

The submission is accompanied by a flood risk assessment which concludes the following:

- Church Street rises away from the town centre and market place and the premises have never flooded.
- Since flooding of the town centre during the 1960s there have been improvements to the flood protection of the river by lowering the bed, slowing the flow and increasing the height and adding flanking walls. The sea defences have also been improved with the addition of the rock groynes and plans are in hand and funding secured for further

protection work within the next few years. As such, there is a low risk of flooding from the sea and the Sid river.

- The access stair terminates at pavement level, which is in Church Street and raised from the market square, and it is estimated that for the entrance door to flood then the market square would need to be flooded to a depth in excess of 375mm; that is approximately 225mm deeper than the 1960s flood events.
- With regard to increased occupancy, whereas currently the existing large 4 bedroomed flat could be occupied by a family with possibly two adults and two or three children, the smaller flats would most likely be occupied by couples or individuals, therefore the total occupancy would be similar.
- The existing and proposed flats, being on the first and second floor, are at no risk of flooding and in any event offer a safe refuge area.

However, no evidence has been submitted to prompt the Environment Agency (EA) to conclude that the site should be regarded as being within flood zone 1.

It is therefore necessary, in line with the relevant guidance set out in the NPPF and the provisions of Local Plan Policy EN21, to apply the sequential test in order to determine whether the provision of an additional unit of residential accommodation would be acceptable in this case.

The sequential test ensures that a sequential approach is followed to steer new development to areas with the lowest probability of flooding, as described in paragraph 158 of the National Planning Policy Framework (NPPF). As stated, the application building lies within flood zones 2 and 3. The aim of the sequential test is to steer new development to flood Zone 1 (areas with a low probability of river or sea flooding). Where there are no reasonably available sites in flood zone 1, local planning authorities in their decision making should take into account the flood risk vulnerability of land uses and consider reasonably available sites in flood zone 2 (areas with a medium probability of river or sea flooding). Only where there are no reasonably available sites in flood zones 1 or 2 should the suitability of sites in flood zone 3 (areas with a high probability of river or sea flooding) be considered.

It is for local planning authorities, taking advice from the EA as appropriate, to consider the extent to which sequential test considerations have been satisfied, taking into account the particular circumstances in any given case.

Paragraph 155 of the NPPF advises that "Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere."

As residential accommodation is considered to be a high risk use, it is considered to be inappropriate in a location at risk of flooding.

Under the sequential test, development should not be permitted if there are reasonably available sites with appropriate in areas with a lower probability of flooding; the fundamental principle of this being to avoid placing additional people at risk of being flooded.

In this particular case, no information has been provided by the applicants' agent about the availability of other sites at lower risk of flooding.

However, it is considered that the appropriate area for application of the sequential test would be the entire District of East Devon. Such an approach has been considered to be acceptable by the respective planning inspectors when determining appeals against the Authority's refusals of applications for residential development at land to the rear of Sam's Funhouse, St. Andrews Road, Exmouth (application ref. 17/2498/FUL, relating to change of use of offices/store rooms and extensions to provide 6no. flats) and flat 1, 6 Alston Terrace, Exmouth (application 19/1267/FUL, involving regularisation of the subdivision of one flat into two flats) where this issue was central to determination of both proposals.

In any event, even if the geographic area for applying the test were limited to Sidmouth, the Council currently has a 5 year housing supply of land and it is considered that there would be land and/or buildings available for an additional flat to be provided elsewhere that would not be in flood zones 2 or 3.

As the proposed development similarly involves the creation of additional residential development that would be located with flood zones 2 and 3, and there are other locations where the development could be provided that are within flood zone 1, and therefore not at risk of flooding, it is felt that the proposal fails the sequential test.

In, most recently, dismissing the appeal against the Council's refusal of application 19/1267/FUL, the Inspector considered the issue of occupation and a reduction in the number of bedrooms proposed from four, within the larger single unit, to two (one in each unit). He found that 'the evidence does not show that the number of bedrooms within a dwelling is determinative as to the number of future occupants. Furthermore, the number of occupants in a given dwelling is not a matter that could be reasonably controlled by planning condition.'

Significantly, the Inspector also opined that 'the subdivision of dwellings increases the density of development, whereby land tends to be occupied more intensively or efficiently. This is reinforced by the approach in the PPG (Planning Practice Guidance) which makes it clear that the subdivision of dwellings is explicitly covered by the sequential test. Moreover, it is clear from the PPG that the approach to flood risk set out in the Framework (NPPF) is not just applicable to people but also to the property itself. Sub-division is likely to increase the number of kitchens, bathrooms and overall household contents that might be affected. In this case, two households will be disrupted and displaced in the event of a flood and given that they are located on the ground floor and basement, this represents the greatest risk within the building. These factors in combination indicate that subdivision does increase the extent of harm should flooding occur.'

His conclusion was that 'on the basis of the evidence before me I am not satisfied that the sequential test has been passed and therefore the proposal would conflict with Policy EN21 of the Local Plan as well as the Framework and PPG which seek to direct new development, in the first instance, to areas at the lowest risk of flooding.'

Although finding that the proposal would provide an additional small dwelling in an accessible location that would make more efficient use of land, given its modest scale such benefits would be limited in nature and would not outweigh the harm on account of increased flood risk.

It is considered that many of the same conclusions can be drawn in the case of the proposed development at Sheffield House. Furthermore, while there is a difference in the fact that the residential accommodation would be on the first and second floors of the building and would, as such, provide a means of refuge during and extreme flood event, it is maintained that the proposed increase in the number of residential units would result in additional development that is within the 'more vulnerable' classification - in flood risk terms - being located within flood zones 2 and 3 with the potential for increased occupancy overall. This in turn would potentially place more pressure upon emergency services during an extreme event.

As reflected in the appeal decisions referenced above, the provision of such additional accommodation within these flood zones would be contrary to the broader sequential approach, set out both nationally and locally, that seeks to direct new development to areas with the lowest risk of flooding.

Moreover, in line with the approach set out in paragraph 190 of the NPPF, it is concluded that there are reasonably available sites that are appropriate for residential development in areas with a lower risk of flooding in many locations elsewhere across the District; this being the appropriate area of examination in applying the sequential test.

In the light of the failure of the proposal to meet the requirements of the sequential test, it is not necessary to apply the exception test.

It is considered therefore that the site is not an appropriate location for further residential development and that the increased flood risks associated with the proposed sub-division of the existing accommodation would outweigh the absence of any objection to the proposal on the basis of the other material issues set out above and that, accordingly, planning permission should be refused for the development on this basis.

Habitat Regulations Assessment and Appropriate Assessment

The nature of this application and its location close to the Pebblebed Heaths and their European Habitat designation is such that the proposal requires a Habitat Regulations Assessment. This section of the report forms the Appropriate Assessment required as a result of the Habitat Regulations Assessment and Likely Significant Effects from the proposal. In partnership with Natural England, the council and its neighbouring authorities of Exeter City Council and Teignbridge District Council have determined that housing and tourist accommodation developments in their areas will in-

combination have a detrimental impact on the Pebblebed Heaths through impacts from recreational use. The impacts are highest from developments within 10 kilometres of the designation. It is therefore essential that mitigation is secured to make such developments permissible. This mitigation is secured via a combination of funding secured via the Community Infrastructure Levy and contributions collected from residential developments within 10km of the designations. This development will be CIL liable and the financial contribution has been secured. On this basis, and as the joint authorities are working in partnership to deliver the required mitigation in accordance with the South-East Devon European Site Mitigation Strategy, this proposal will not give rise to likely significant effects.

RECOMMENDATIONS

- 1. That the Habitat Regulations Appropriate Assessment be adopted; and**
- 2. That the application be REFUSED for the following reason:**

1. The application site is located in flood zones 2 and 3 where there is a higher probability of flood risk. In the opinion of the Local Planning Authority, there are other reasonably available sites within the district of East Devon with a lower probability of flooding that would be appropriate for residential development. The proposed development therefore fails to satisfy the sequential test for flood risk and, as such, would be contrary to the provisions of Policy EN21 (River and Coastal Flooding) of the adopted East Devon Local Plan 2013-2031 as well as guidance set out in the National Planning Policy Framework and Planning Policy Guidance.

NOTE FOR APPLICANT

Informative:

In accordance with the aims of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 East Devon District Council seeks to work positively with applicants to try and ensure that all relevant planning concerns have been appropriately resolved; however, in this case the development is considered to be fundamentally unacceptable such that the Council's concerns could not be overcome through negotiation.

Plans relating to this application:

242-53	Proposed Elevation	19.10.20
242-52A	Proposed Floor Plans	19.10.20
242-LOC	Location Plan	19.10.20

List of Background Papers

Application file, consultations and policy documents referred to in the report.