

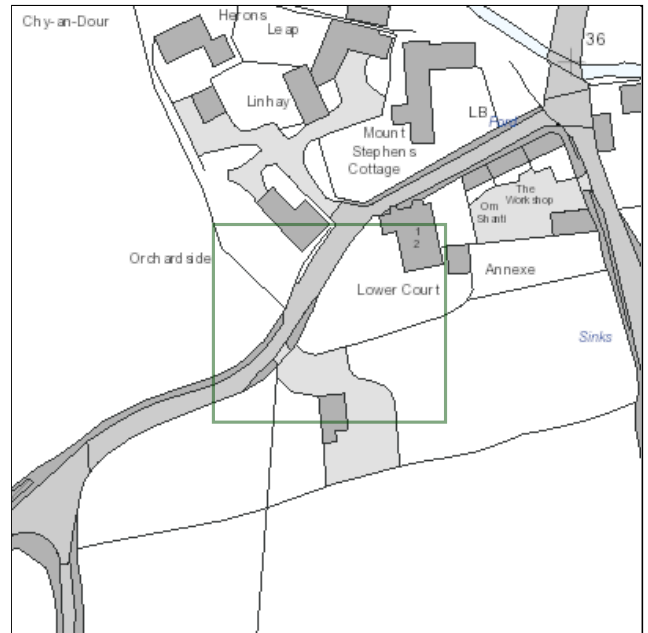
Ward Ottery St Mary

Reference 20/2599/FUL

Applicant Mr N Watton

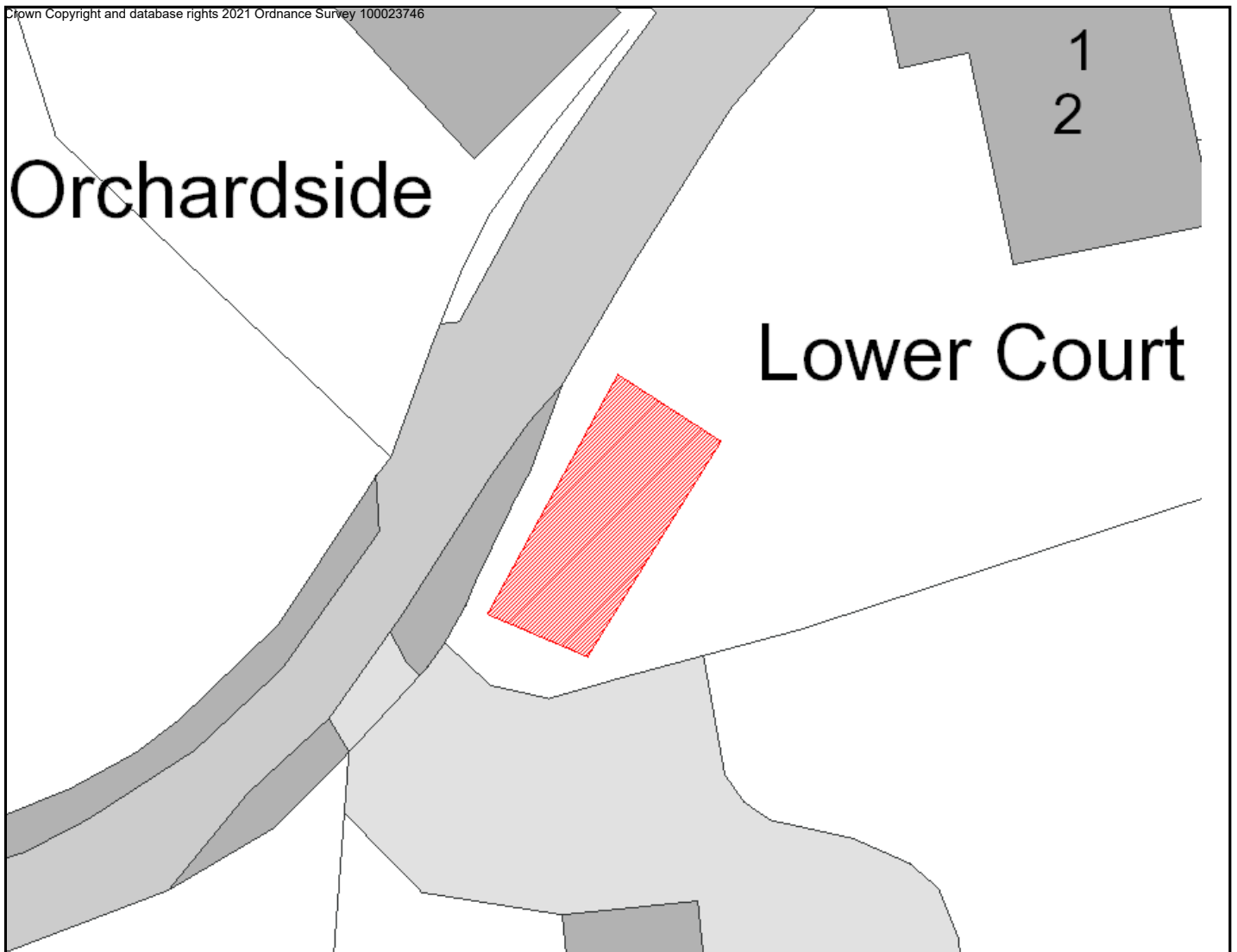
Location Land West Of Lower Court Cottages Fluxton
Ottery St Mary EX11 1RL

Proposal Demolition of existing studio/workshop and
construction of replacement studio/workshop
including roof mounted solar panels



RECOMMENDATION: Approval with conditions

Crown Copyright and database rights 2021 Ordnance Survey 100023746



		Committee Date: 9th June 2021
Ottery St Mary (Ottery St Mary)	20/2599/FUL	Target Date: 25.01.2021
Applicant:	Mr N Watton	
Location:	Land West Of Lower Court Cottages Fluxton	
Proposal:	Demolition of existing studio/workshop and construction of replacement studio/workshop including roof mounted solar panels	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before members as the officer recommendation differs from the view of the Local Ward Member.

The application proposes the replacement of an existing workshop on land west of Lower Court Cottages. The existing building is partially open fronted and enclosed by corrugated metal sheeting. The storm damaged building to be replaced was storing various carpentry items, timber, current art projects and tools associated with woodwork. A small enclosed room with a log burner occupied the south western end of the building.

The application proposes the replacement of the existing workshop with a building constructed of timber cladding and a corrugated sheet roof of very similar dimensions. The main issues for consideration include the impact of the development upon; neighbouring amenity, the character and appearance of the area and the significance of a nearby Grade II listed building.

Objections comments from a Local Ward Member have expressed concerns over the proposed building's appearance compared to what exists. The most notable change to the building is considered to be the construction of the principle elevation that would enclose the front. The proposed building seeks to replicate the dimensions of the existing open fronted structure albeit with solar panels mounted on the flat roof. It is acknowledged that the provision of new windows and folding doors would give the building a more domestic appearance, however the installation of timber framed windows and use of corrugated timber sheets for the exterior is considered appropriate for this rural location. Furthermore the structure would still appear as a subservient outbuilding and as such there are minimal concerns over the development's impact upon the setting of Lower Court Cottages.

The application is deemed to be in accordance with the relevant policies within the East Devon Local Plan and is recommended for approval subject to compliance with conditions listed at the end of this report.

CONSULTATIONS

Local Consultations

Ottery St Mary - Cllr Peter Faithfull

I am writing regarding the proposal to replace a studio at Lower court cottages Fluxton. This application is in my ward and my preliminary view, based on the information presently available to me is that it should be refused.

What is proposed is a substantial change from a simple structure that exist on this site. The proposed structure is suggestive of being for residential use.

these are my views based on the information presently available to me. I reserve my right to change my views in the event that further information becomes available to me.

Parish/Town Council

The Town Council supports this application

Technical Consultations

Environmental Health

I have considered the application 20/2599/FUL and do not anticipate any environmental health concerns

Conservation

11.03.2021 - Support

Other Representations

None

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 7 (Development in the Countryside)

Strategy 39 (Renewable and Low Carbon Energy Projects)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

D1 (Design and Local Distinctiveness)

D3 (Trees and Development Sites)

EN14 (Control of Pollution)

EN10 (Conservation Areas)

EN5 (Wildlife Habitats and Features)

Site Location and Description

1 Lower Court Cottages is a Grade II listed building subdivided into two properties situated within the hamlet of Fluxton and approximately 1 kilometre north of Tipton St. John. The property itself is a two storey detached property with a thatched roof, which has a number of outbuildings.

The application site relates to land west of the applicant's house just outside the host dwelling's curtilage. This area of land that's within the applicant's ownership appears to be currently used for agricultural purposes and consists of various outbuildings a couple of which are open fronted with another, slightly more substantial barn being located in the main field.

The applicant secured permission for the construction of this barn, through approval of 17/1662/FUL, on land south of the application site. Here the applicant stores various agricultural machinery and equipment. To the east a large narrow plan building, formerly known as 'The Workshop' was converted into holiday accommodation through approval of 08/0168/COU.

At the time of the site visit the building to be replaced was storing various carpentry items, timber, current art projects and tools associated with woodwork. A small enclosed room with a log burner occupied the south western end of the building.

The building has been partly damaged by a storm.

Proposed Development

The application proposes the replacement of the existing workshop with a more substantial building. The existing building is constructed of various timber uprights and enclosed with corrugated sheeting. The replacement building would utilise the existing concrete foundations and replace the timber posts with steel uprights. The existing crushed concrete and gravel floor would be retained albeit with a damp proof membrane added. The roof would utilise the existing roof sheeting with PV panels mounted on top. The exterior would be finished in wooden cladding and timber framed windows.

ANALYSIS

The main issues for consideration are the principle of development, impact upon neighbour amenity, visual impact and any impact upon heritage assets.

Principle

The applicant states that there is a need for a more secure building in which to support the carpentry and woodwork side of his business that includes the restoration and repair of furniture, fairground artwork and mirrors.

Upon site visit it was noted that the existing building was in poor condition with gaps in the metal sheeting on the side elevations in addition to some of the vertical timber

posts displaying evidence of rotting. Additionally the applicant took the opportunity to explain that the building is also currently used for various artistic projects. However the existing building is deteriorating, partially open fronted and exposed to adverse weather. The applicant states that there is a need for a more secure environment to operate from and to store the various equipment, tools and provide a weatherproof area to dry paint in. This is a reasonable request and sound reason to justify a replacement building.

As the application is for a simple replacement building with no change of use proposed on a previously developed site, it is supported in principle by Strategy 7 and Policy E5 of the Local Plan.

Impact on Neighbouring Amenity

The use of the workshop, particularly for woodwork, has the potential to cause pollution through noise and dust. Despite this, the level of activity detailed within the application in addition to what was noted onsite is considered to be fairly low scale and would be unlikely to have a detrimental impact upon the nearest neighbour at 2 Lowe Court Cottages.

The Environmental Health Team have reviewed the application and have not raised any objections. Despite this, it is recommended that any permission should be conditioned to ensure that the replacement building is only used for purposes ancillary to the occupation of 1 Lower Court Cottages as any intensive commercial or industrial use could be inappropriate in this countryside location. It is anticipated that the applicant could utilise the building for the purposes outlined in the application without significant adverse impacts upon the enjoyment of the immediate area or upon the amenity enjoyed by nearby residents.

Impact on Character and Appearance of the Area

From aerial imagery available to the Local Authority, it appears that the existing building has been in situ prior to 2010. As such, despite there being a lack of planning history for the construction of the existing building, it is highly likely that the structure has obtained lawfulness due to the significant amount of time that it has been present on site.

The existing building to be removed appears to be located just outside the extent of the garden area associated with 1 Lower Court Cottages that is defined and enclosed by a timber post and rail fence. Filtered views of the existing building are available from the public highway immediately west of Shute Farm as you approach the site from the sewage works. The application site and Lower Court Cottages forms part of the entrance to the hamlet. As you approach the site on the unclassified highway immediately north of Lower Court Cottages the building becomes screened by the existing boundary line that consists of mature vegetation and hedgerow.

Comments have been made by a Local Ward Member expressing concerns over the proposed buildings appearance compared to what exists. However, the most notable change to the building is considered to be the construction of the principle elevation that would enclose the front. The proposed building seeks to replicate the dimensions

of the existing open fronted structure albeit with solar panels on the flat roof. It is acknowledged that the provision of new windows and folding doors would give the building a more domestic appearance, however the use of timber framed windows and corrugated timber sheets for the exterior is considered appropriate for this rural location.

As such, it is deemed that the magnitude of change experienced from public view is relatively low and the chosen schedule of materials acceptable for this rural location. Whilst the impact upon the wider character and appearance of the area is deemed acceptable, further consideration shall need to be given to the development's impact upon the significance of the heritage asset.

Impact Upon the Setting of Lower Court Cottages

Both number 1 and 2 Lower Court Cottages are a grade II listed building. Historic aerial photographs, from 1947, suggest that the curtilage of the building included the land where the existing building lies. However, overtime, as ownership changed and the host property was subdivided, the layout of the respective garden areas has altered. At some point in the last 5 years the southern boundary of the applicant's garden was altered to provide access into the adjoining field. The existing garden serving 1 Lower Court Cottages has also been further subdivided by the provision of a timber post and rail fence. The proposed replacement building would be located in this western end of the former garden.

In this case special regard has been given to the impact of the development upon the significance of the heritage asset. The replacement building would be located approximately 23 metres away from the listed building. However, owing to the filtered public views available of the application building and the host property the building is considered to form part of the heritage asset's setting. The impact of the development, owing to the proposed scale, form and bulk of the scheme, is not considered to cause undue harm to the listed building's setting. From public view, the application building would read as a subservient outbuilding and therefore have a similar impact to the existing building. The application has received support from the Conservation Officer and is considered to meet the requirements of EN9 (Development Affecting a Designated Heritage Asset) of the Local Plan.

Trees

The application site is characterised by a number of small trees dotted around the garden area between the application building and host property. However it is not anticipated that the proposal would result in the loss of any of these individuals or the hedgerow in-between the proposed building and highway to the west. The applicant has confirmed that the existing concrete base is to be retained with the steel uprights utilising the same type of concrete footings. There are no additional structural elements that are considered to pose a threat to the retention of the existing hedge bank.

During the construction phase the most logical and practical means of access would be through the gate of the field to the south which is land all within the applicant's

ownership. As such it is highly unlikely that materials or tools used during construction would be stored in the garden near existing trees.

Ecology

The application is accompanied by an ecological survey conducted by Devon Wildlife Consultants. The survey found no evidence of roosting bats however if bats were discovered during the proposed works then a license would need to be obtained from Natural England prior to further works.

The survey states that there is low potential for nesting birds. Despite this it is recommended that when constructing the replacement work that this is conducted during the months outside the nesting season.

Overall, in light of the conclusions drawn from the survey, the proposed development is considered to be in accordance with Policy EN5 (Wildlife Habitats and Features) of the Local Plan subject compliance with the recommendations within the Ecological Report.

CONCLUSION

In light of the issues raised above it is considered overall, in the planning balance, that the development is acceptable. The application has received support from the Parish Council with no objections received from third parties.

Concerns raised by the Local Ward Member are duly acknowledged but the proposal is seeking a building of almost identical dimensions. For the reasons already highlighted within the main body of the report, the development is not considered to unduly harm the character and appearance of the area or setting of the listed building. Despite this further details regarding materials shall be sought to ensure that the corrugated cladding and windows are of a suitable finish and appearance. Furthermore, concerns raised regarding potential future uses of the building shall be addressed through a condition ensuring that the use of the building remain ancillary to the residential use of 1 Lower Court Cottage.

The application is recommended for approval subject to the conditions listed below.

RECOMMENDATION

APPROVE 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 and shall be carried out as approved.
(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 permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.

(Reason - For the avoidance of doubt.)

3. No development above foundation level shall take place until samples of the materials to be used in the construction of the external cladding of the walls of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

(Reason - To ensure that the materials are considered at an early stage and are sympathetic to the character and appearance of the area in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)

4. The building hereby permitted shall not be used at any time other than for purposes ancillary to the residential use of the dwelling known as 1 Lower Court Cottages.

(Reason - The building is in a sensitive countryside location and is only justified in connection with the residential use of 1 Lower Court Cottage. The condition is therefore necessary to comply with Strategy 7 - Development in the Countryside of the East Devon Local Plan 2013-2031.)

NOTE FOR APPLICANT

Informative:

In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 in determining this application, East Devon District Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved.

Plans relating to this application:

Location Plan	30.11.20
Proposed Elevation	30.11.20
Proposed Floor Plans	30.11.20
Proposed Site Plan	30.11.20

List of Background Papers

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