

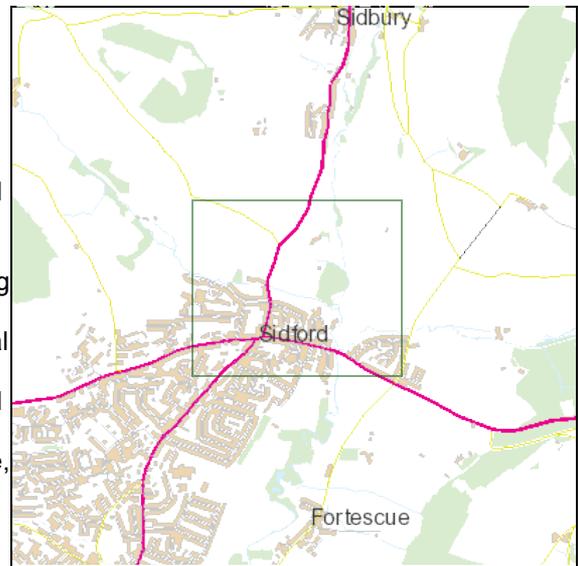
**Ward** Sidmouth Rural

**Reference** 21/1723/MRES

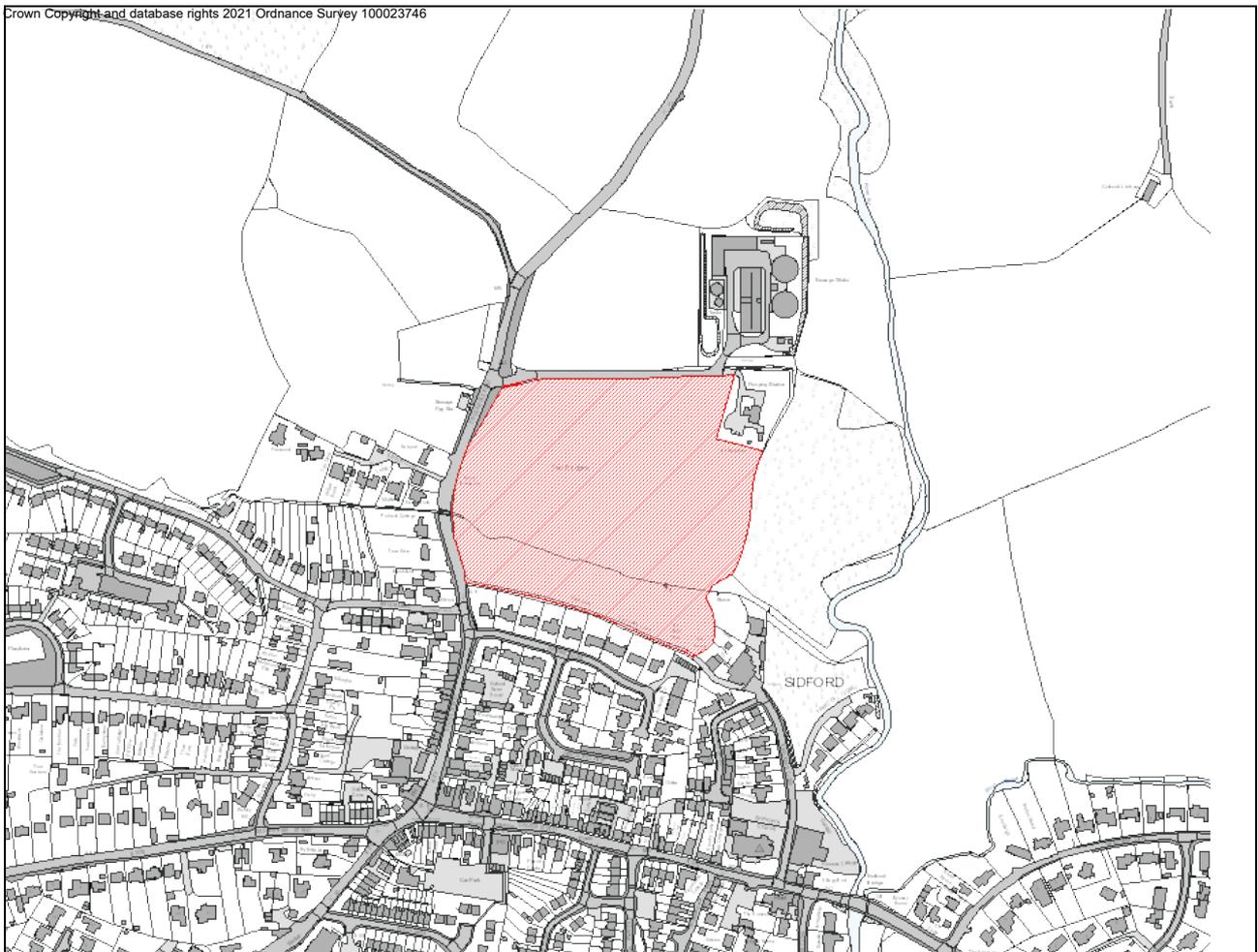
**Applicant** Mr Tim & Mike Ford (0G Holdings Retirement Benefit Scheme)

**Location** Land East Of Two Bridges Two Bridges Road Sidford

**Proposal** Reserved matters application seeking approval of scale (pursuant to outline planning permission 18/1094/MOUT - Outline application accompanied by an Environmental Statement (with scale and appearance reserved) for the change of use of agricultural land to employment land (B1, B8 and D1 uses) to provide 8,445 sqm of new floorspace, new highway access, cycle and footway, improvements to flood attenuation, building layout and road layout, new hedgerow planting and associated infrastructure).



**RECOMMENDATION: Approval with conditions**



		<b>Committee Date: 15<sup>th</sup> December 2021</b>
<b>Sidmouth Rural (Sidmouth)</b>	<b>21/1723/MRES</b>	<b>Target Date: 20.12.2021</b>
<b>Applicant:</b>	<b>Mr Tim &amp; Mike Ford (0G Holdings Retirement Benefit Scheme)</b>	
<b>Location:</b>	<b>Land East Of Two Bridges Two Bridges Road</b>	
<b>Proposal:</b>	<b>Reserved matters application seeking approval of scale (pursuant to outline planning permission 18/1094/MOUT - Outline application accompanied by an Environmental Statement (with scale and appearance reserved) for the change of use of agricultural land to employment land (B1, B8 and D1 uses) to provide 8,445 sqm of new floorspace, new highway access, cycle and footway, improvements to flood attenuation, building layout and road layout, new hedgerow planting and associated infrastructure)</b>	

**RECOMMENDATION: Approval with conditions**

### **EXECUTIVE SUMMARY**

The proposal is a reserved matters application pursuant an outline planning consent which fell within the 'major development' category. As such this reserve matters application also falls within this category of development (for procedural purposes) and with conflicting comments received by the Town Council and Ward Members this application is before Members for determination.

The site is located within the East Devon AONB to the North of Sid Vale Close in Sidford. The site is bordered by the A375 (Two Bridges Road) to the West; woodland and the SWW pumping station to the East and further agricultural land and a treatment works to the North. The site comprises 4.2 hectares of gently sloping agricultural land within the bottom of the Sid Valley.

Outline planning application 18/1094/MOUT secured planning consent for the following;

*Change of use of agricultural land to employment land (B1, B8 and D1 uses) to provide 8,445 sqm of new floorspace, new highway access, cycle and footway, improvements to flood attenuation, building layout and road layout, new hedgerow planting and associated infrastructure.*

This outline application considered the layout, landscaping and means of access. Consequently there were two remaining matters reserved - those being scale and appearance. This current application seeks to approve the reserved matter of 'scale' only and therefore the size and height of buildings. Considerations have to be confined to this matter and a further reserved matters application is required to be submitted at a later date in relation to the appearance of the buildings.

Both the AONB team and council landscape architect have objected to this scheme on the basis of the height of the buildings proposed at road frontage at 7.5m (compared to 6m for a single-storey building – but also on unrelated grounds that cannot be considered).

The impact of the development would register from immediate, medium and long distant vantage points.

The scale of the buildings would be seen from the long range views from Trow Hill. However, the difference in height of either single storey or two storey buildings, from this long range view, would be negligible with the distance diminishing greatly the difference between a single or two storey industrial building.

From the medium range views the scale of the buildings would not be prominent or detracting considering views of the site are often precluded by the existing build form or framed by this.

From immediate range views, notably of the adjacent highway, the scale of the buildings would be perceptible although the lower section of the site would be softened by the previously approved landscaping and by virtue of its position - set back from the west perimeter. Travelling along the A375 the site would be clearly read as industrial with a different character and appearance from that of the surrounding countryside or residential area. However, the starting point is the nature of the development previously approved as well as the secured layout. Taking this into account the difference in height of the two highway fronting blocks, between either a single storey (6.0 m) and two storey (7.5 m) buildings, whilst noticeable would not detract from the AONB qualities (noted within the landscape character assessment).

There is also not considered to be harm to the conservation area, setting of listed buildings or adjacent occupier amenity. As such the reserved matter of scale is considered to accord with the development plan and National Planning Policy Framework.

## **CONSULTATIONS**

### **Local Consultations**

Sidmouth Rural - Cllr John Loudoun

This site, and the intended business park development on it, continues to raise concerns among a number of residents as is shown through the various comments from members of the public in response to this latest application. Whilst I share many of the concerns that the public continue to articulate I have to acknowledge that the site's development and many matters related to it were determined by a planning inspector in 2019, thus limiting the range of matters that can now appropriately be responded to.

This application is for scale and this application lays out the location and size of the buildings that the applicants wish to build. The detail of the location of the proposed buildings across the site, as submitted, have already been presented to the 2019 planning inquiry and are the same as were set out in the applicants 2018 application.

My main concern with the site's layout is the location of the two taller buildings, each of two storeys, identified as Blocks N & K on the Block Plan. These two blocks are located at the front (facing Two Bridges Road) of the site. These will be able to be viewed from the properties facing the site on Two Bridges Road, as well as from the A375 and beyond. If these buildings are to be included within the site, I would prefer to see them moved to the rear of the site.

I am also an elected Member of Sidmouth Town Council and as part of its response to this consultation it said - "Members were unable to support the application regarding scale as they felt that the location of larger and taller buildings (Blocks N & K) closer and more prominently next to the road was detrimental to the Area of Outstanding Natural Beauty. They suggested that those buildings could be relocated further back into the site so that the height and size of buildings increased as the distance increased from the main roadway". This is in line with my opinions as set out above.

Ideally, I would have liked this site to have included some residential properties, even possibly live/work accommodation and placing such properties where Blocks N & K are planned would allow the site to blend in more with the residential aspect of the area. It would also provide much need additional residential accommodation.

I would like the height of all of the buildings to be designed to sit as low within the site as possible in order to minimise their visibility.

Whilst the landscaping of the site is not part of this application, I would hope that the applicants would take steps to maximise the height and density of the area in front of these two buildings and along the boundary of the site and the A375, as well as along the site's boundary with the access route down to the sewerage treatment works. This would soften the view into the site, recognising that it faces residential properties and sits within the AONB.

Further comments:

The proposed development of this site remains something that a section of the community still opposes, even two years after the Planning Inspector upheld the applicants' appeal. Indeed, the fact that Sidmouth Town Council and 54 members of the public recorded their opposition to this latest application very much speaks to that fact.

My comments on this latest application are in line with those of two of my neighbouring Ward Members, Councillors Marianne Rixson and Stuart Hughes, who submitted similar comments to mine relating to the height, particularly of Blocks N and K at the front of the site. Indeed, it is clear that they and I have similar views on this application to those submitted by the District Council's Landscape Architect and the East Devon AONB. Given that this application deals with scale, then I believe that the points that we all have made are of relevance and should be addressed in any determination made on this application.

It is worth reminding one's self as to the key points that these latter two submissions made with regards to the impact of the scale of the proposed buildings on the AONB, the locality and the neighbouring residential properties. The District Council's Landscape Architect said (in extract) – *“The site is situated within the Sid Valley flood plain on the northern edge of Sidford. There are opportunities for views into the site from roads and rights of way on the upper valley sides to the east and west and from the A3052 which follows the western site boundary. The site is also overlooked by a number of residential properties to the south and southwest.*

*The site lies within the East Devon AONB and notwithstanding its proximity to Sidford, due to its openness and visibility in views across the valley, has a high sensitivity to development of the type proposed.*

*The proposals comprise a mix of building heights. Single storey units are indicated to be 6.5m high to ridge with single storey plus mezzanine units 6m high, and two storey units 7.5m high.*

*The proposed layout places the highest buildings adjacent to the western boundary on what is the highest, most open part of the site. This will adversely impact views particularly looking north along the A375, Two Bridges Road and from nearby properties to the west side of the road. They will also be more prominent in the view over the site from the A3052, Trow Hill, to the east which is identified as a protected view in the Sidford Neighbourhood Plan.*

*Placing the highest buildings in the northeast corner of the site where site levels are over three metres lower than along the western boundary and where there is an existing backdrop of established trees, and placing the lowest height units on the western boundary, would help to reduce these impacts to some extent.*

*The proposed heights of single storey units is (sic) 6m which is relatively high and should be reduced to a minimum to further reduce visual impact along the western boundary”.*

The East Devon AONB said in submission, and again I extract – *“The significance of the AONB landscape is clearly articulated in the NPPF and it is without doubt that this scale and form of development in this location will have a major and adverse impact on the character of the AONB. In normal circumstances this would be a significant barrier to development. Allocating the site in the local plan alters the circumstances but does not affect the principle – that development in AONBs should be of the highest standard and seek to conserve and enhance the landscape and scenic beauty.*

*Anything less than the very highest standard should not be considered acceptable, despite the site allocation. We therefore recommend the building heights and layout are modified to reduce the scale of visual and landscape impact as detailed in our comments.*

*We also recommend that the single storey buildings are lowered to the lowest levels possible in order to further reduce impact”.*

*Helpfully, the report draws our attention to Paragraph 176 of the NPPF which – “states great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. Following this strategy 46 of the Local Plan states development will need to be undertaken in a manner that is sympathetic to, and helps conserve and enhance the quality and local distinctiveness of, the natural and historic landscape character of East Devon, in particular in Areas of Outstanding Natural Beauty. Accordingly, development will only be permitted where it conserves and enhances the landscape character of the area, does not undermine landscape quality and is appropriate to the economic, social and well-being of the area”.*

*The report also reminds us that the – “Local Plan is also explicit in requiring that the site must be subject to the highest design and landscaping standards, although the term ‘highest design’ is not qualified”.*

*The report also explains that – “Policy 2 of the Sid Valley Neighbourhood Plan (NP) identifies and seeks to protect key views. Any development must not cause a significant adverse impact on the current valued views as shown in the Key Views Map 8 (of the NP). The visual relationship of settlements in the valley surrounded by hills should be protected. Except when development will not be visible from the viewpoints, proposals outside of the BUAB must demonstrate that they will have a low or negligible impact on the views”.*

*What the report then goes on to do is to challenge any assumption that the site’s scale will have any meaningful negative visual impact on the locality whether viewed long range from up on Trow Hill or even at its closest point from the neighbouring residential properties or from the A375 (which has one million traffic uses per annum according to Devon County Council traffic data recorded in Sidbury in 2018) which directly passes the front boundary of the site. I disagree with this assessment.*

*I also disagree with the report’s assessment that as the character of the site and its locality has already been changed just by virtue of the Planning Inspector upholding the applicants’ appeal to allow a change from agricultural to industrial use. The report references this as follows – “this change in character is likely to register irrespective of the scale now presented of the industrial buildings”.*

*“From immediate range views, notably of the adjacent highway, the scale of the buildings would be perceptible. However, the lower section of the road fronting buildings would be softened by the previously approved landscaping and by virtue of its position - set back from the west perimeter. Travelling along the A375 the site would*

*clearly be read as industrial with a different character and appearance from that of the surrounding countryside or residential areas. However, the starting point is the nature of the development previously approved as well as the secured layout. Taking this into account the difference in height of the two highway fronting blocks, between either a single storey (6.0 m) and two storey (7.5 m) buildings, whilst noticeable from this immediate range could not justify refusal of permission and does not detract from the AONB qualities (noted within the landscape character assessment)”.*

The report dismisses the challenge that both the District Council’s Landscape Architect and the East Devon AONB make to the proposed height of most of the buildings at 6 metres and the two front buildings at 7.5 metres. I believe that the report misses the point that they have both challenged the heights and not the fact that there should be any buildings at a lower height. This is in effect saying you have to have it all (*in height*) or none, and that misses the point.

With regards to the height of the buildings, the report’s narrative says, as previously quoted – *“this change in character is likely to register irrespective of the scale now presented of the industrial buildings”*. If one disagrees with the quote, as I do, then one can make the logical argument for a reduction in the height of the buildings. Indeed, one can make the equally logical argument for moving, assuming they are still required as purposed, the two largest buildings N and K from the front entrance of the site to the lower rear part of it.

Sadly, when commenting on the view of the site from the neighbouring residential properties on the front boundary the report says that – *“The submitted site section shows the relationship of the two road fronting blocks (N and K) with the residential properties to the west on the opposite side of the highway. Due to these blocks being situated behind the road fronting landscaping and the intervening road there is not expected to be an overbearing or oppressive impact resulting”*. I do not believe that this represents the reality for these residents, nor the locality.

As much as I would like to reopen the whole argument about the appropriateness of developing this AONB site for industrial purposes, I accept that the Planning Inspector has drawn a line under that matter. What I now strongly challenge is the acceptability of the scale as presented in the application on the grounds that I and several others have argued and which I have repeated within these comments on the report.

Parish/Town Council

**UNABLE TO SUPPORT**

The Council continues to oppose the establishment of employment land in this location but subsequent to the approval on appeal by the Planning Inspectorate, viewed the application regarding scale without prejudice.

Cont'd.....

Members were unable to support the application regarding scale as they felt that the location of larger and taller buildings (Blocks N & K) closer and more prominently next to the road was detrimental to the Area of Outstanding Natural Beauty. They suggested that those buildings could be relocated further back into the site so that the

height and size of buildings increased as the distance increased from the main roadway.

## **Technical Consultations**

### **Devon & Cornwall Constabulary**

Thank you on behalf of Devon and Cornwall Police for the opportunity to comment on this application. Whilst I have no objection to the application, I would like to make the following recommendations for your consideration and would appreciate being consulted on more detailed plans should the application progress.

1. Boundaries should be in place that clearly define and separate the public and private / semi-private realms and ensure that casual intrusion and unauthorised access to private space is prevented.
2. The public realm should be afforded good surveillance opportunities, with dedicated routes that are well overlooked.
3. External doors, accessible windows and shutters for industrial premises should be tested and certificated to a nationally recognised security standard. See *Secured by Design Commercial Developments 2015 v2* for further information.
4. Where necessary, vehicle mitigate measures should be considered to prevent conflict between vehicles and pedestrians, as well as offering protection to any vulnerable building elevations.
5. It is recommended that each unit is fitted with a monitored intruder alarm. For police response, the system must comply with the requirements of the Security Systems policy, which can be found at [www.securedbydesign.com](http://www.securedbydesign.com) under the 'Group Initiatives' tab.
6. External site lighting levels are recommended to be as per BS 5489:2020. A white light source provides the better colour rendition and therefore identification. The main priority of lighting from a crime prevention viewpoint is to provide a uniform level of light throughout a site, thereby eliminating areas of shadowing.

### **EDDC Landscape Architect - Chris Hariades**

#### **1 INTRODUCTION**

This report forms the EDDC's landscape response to the reserved matters application for the above site.

The report provides a review of landscape related information submitted with the application in relation to adopted policy, relevant guidance, current best practice and existing site context and should be read in conjunction with the submitted information.

#### **2 CONTEXT**

The application is understood to be for the partial discharge of condition 1 of the decision notice for application 18/1094/MRES, relating to scale of the proposed buildings.

The site is situated within the Sid Valley flood plain on the northern edge of Sidford. There are opportunities for views into the site from roads and rights of way on the upper valley sides to the east and west and from the A3052 which follows the western site boundary. The site is also overlooked by a number of residential properties to the south and southwest.

The site lies within the East Devon AONB and notwithstanding its proximity to Sidford, due to its openness and visibility in views across the valley, has a high sensitivity to development of the type proposed.

### 3 RELEVANT PLANNING POLICIES

#### 3.1 NPPF 2021

Para 176. Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. The scale and extent of development within all these designated areas should be limited, *while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.*

#### 3.2 EDDC Local Plan

##### Strategy 3 - Sustainable Development

The objective of ensuring sustainable development is central to our thinking. We interpret sustainable development in East Devon to mean that [inter-alia] the following issues and their inter-relationships are taken fully into account when considering development:

a) *Conserving and Enhancing the Environment - which includes ensuring development is undertaken in a way that minimises harm and enhances biodiversity and the quality and character of the landscape.*

##### Strategy 46 - Landscape Conservation and Enhancement and AONBs

*Development will need to be undertaken in a manner that is sympathetic to, and helps conserve and enhance the quality and local distinctiveness of, the natural and historic landscape character of East Devon, in particular in Areas of Outstanding Natural Beauty.*

Development will only be permitted where it:

1. conserves and enhances the landscape character of the area;

2. does not undermine landscape quality; and
  3. is appropriate to the economic, social and well-being of the area.
- D1 Design and Local Distinctiveness

Proposals will only be permitted where they:

1. *Respect the key characteristics and special qualities of the area in which the development is proposed.*
2. *Ensure that the scale, massing, density, height, fenestration and materials of buildings relate well to their context.*
3. Do not adversely affect inter alia:
  - Important landscape characteristics, prominent topographical features and important ecological features.
  - Trees worthy of retention.
4. Have due regard for important aspects of detail and quality and should incorporate inter alia:
  - Use of appropriate building materials and techniques respecting local tradition and vernacular styles as well as, where possible, contributing to low embodied energy and CO2 reduction.
  - Appropriate 'greening' measures relating to landscaping and planting, open space provision and permeability of hard surfaces.

#### 4 REVIEW OF SUBMITTED DETAILS

The proposals comprise a mix of building heights. Single storey units are indicated to be 6.5m high to ridge with single storey plus mezzanine units 6m high, and two storey units 7.5m high.

The proposed layout places the highest buildings adjacent to the western boundary on what is the highest, most open part of the site. This will adversely impact views particularly looking north along the A375, Two Bridges Road and from nearby properties to the west side of the road. They will also be more prominent in the view over the site from the A3052, Trow Hill, to the east which is identified as a protected view in the Sidford Neighbourhood Plan.

Placing the highest buildings in the northeast corner of the site where site levels are over three metres lower than along the western boundary and where there is an existing backdrop of established trees, and placing the lowest height units on the western boundary, would help to reduce these impacts to some extent.

The proposed heights of single storey units is 6m which is relatively high and should be reduced to a minimum to further reduce visual impact along the western boundary.

#### CONCLUSIONS AND RECOMMENDATIONS

On the basis of the current layout the scale of the proposed buildings does not take adequate account of site context and is considered unacceptable in terms of landscape and visual impact. As such the proposals are contrary to NPPF para 176 and EDDC Local Plan Strategy 3a), Strategy 47 and policy D1 item 2. The application should be refused on this basis unless, prior to determination, amended details are

submitted as suggested above to provide a more sensitive massing of the proposed buildings.

### Natural England

Thank you for your email received 21 September 2021 requesting Natural England's consultation on the above application.

Natural England has no comments on the submitted documents for this planning application.

### East Devon AONB

#### **Summation**

NPPF Paragraph 176 states that great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas.

This is a major application for employment development in the AONB. It has the potential to set a precedent and for this reason, the expectation is heightened. The significance of the AONB landscape is clearly articulated in the NPPF and it is without doubt that this scale and form of development in this location will have a major and adverse impact on the character of the AONB. In normal circumstances this would be a significant barrier to development. Allocating the site in the local plan alters the circumstances but does not affect the principle – that development in AONBs should be of the highest standard and seek to conserve and enhance the landscape and scenic beauty.

Anything less than the very highest standard should not be considered acceptable, despite the site allocation. We therefore recommend the building heights and layout are modified to reduce the scale of visual and landscape impact as detailed in our comments.

We also recommend that the single storey buildings are lowered to the lowest levels possible in order to further reduce impact.

As a further reserved matter to follow once scale is agreed, we expect to comment on detailed design matters that will help further reduce impact and reference our earlier comments that recommended green roofing be integrated into the over site building/design.

It is important to stress that the East Devon AONB Management Strategy (2014-19) Policy RES 2 encourages the development of sustainable employment opportunities in the AONB that are compatible with AONB purposes and objectives, promote good design and encourage people to continue to live and work within their communities.

East Devon AONB Management Strategy 2014-19 Policy Reference(s)

P2 - Provide advice and support on planning policy and development to enable the special qualities of the AONB to be protected, conserved and enhanced.

RES 2 - Encourage the development of sustainable employment opportunities in the AONB that are compatible with AONB purposes and objectives, promote good design and encourage people to continue to live and work within their communities.

BG 1 - In partnership with others, support and encourage conservation and enhancement actions for key habitat and species within the AONB that maintain and enhance landscape character and the historic environment.

ART 2 - In partnership with others encourage and support the provision of high quality, sensitive, physical access for as wide a range of users as possible and the on-going sustainable development of key recreational routes where this does not conflict with the conservation of internationally protected sites and species.

### Environmental Health

I have considered the application and do not anticipate any environmental health concerns.

### Environment Agency

Thank you for consulting us on this application.

#### Environment Agency position

This reserved matters application related to the scale of the proposed development. We have no comments on the scale of the proposal but we wish to reiterate previous comments made at Outline stage of this application which relate to of flood risk and the main river on site. These are copied below.

"[I]t has now been demonstrated that the built commercial development is restricted to flood zone 1 and betterment is provided along the conveyance corridor of the Sidford Stream.

It is apparent from the assessment that a new cycleway is proposed, which will align with the western boundary of the site. It is essential that the route and associated engineering works do not compromise the flood risk improvements being offered by the development. The construction of the cycle path will be subject to a bespoke flood risk activity environmental permit from the Environment Agency .... Failure to do this could invoke the cycle path being considered as an 'exemption', which would be inappropriate when full details have not been considered within the flood risk assessment."

We request that we are re-consulted on any matters under this or another reserved matters application which could have implications for the management of flood risk.

#### Advice to the applicant - Environmental permitting

The Environmental Permitting (England and Wales) Regulations 2016 require a Flood Risk Activity Permit to be obtained for any activities which will take place:

- o on or within 8 metres of a main river (16 metres if tidal)
- o on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)

Note that any drainage infrastructure or proposed outfall to the main river may also require a permit.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact [SW\\_Exeter-PSO@environment-agency.gov.uk](mailto:SW_Exeter-PSO@environment-agency.gov.uk)

A permit is separate to and in addition to any planning permission granted. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted.

### DCC Flood Risk Management Team

#### **Recommendation:**

At this stage, we object to this planning application because we do not believe that it satisfactorily conforms to Policy CP12 (Flood Risk) of Exeter City Council's Core Strategy (2012) which requires all developments to mitigate against flood risk and utilise sustainable drainage systems, where feasible and practical. The applicant will therefore be required to submit additional information in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

#### **Observations:**

The applicant has not provided any information in relation to the disposal of surface water from the site to enable me to make observations on the proposal. The applicant must therefore submit a surface water drainage management plan which demonstrates how surface water from the development will be disposed of in a manner that does not increase flood risk elsewhere, in accordance with the principles of Sustainable Drainage Systems. The applicant is therefore advised to refer to Devon County Council's draft Sustainable Drainage Design Guidance, which can be found at the following address:

<https://www.devon.gov.uk/floodriskmanagement/planning-and-development/suds-guidance/>.

### South West Water

Location: Land East of Two Bridges Road, Sidford, Sidmouth, EX10 9PL  
Your ref: 21/1723/MRES

Proposal: Change of use of agricultural land to employment land (B1, B8 and D1 uses) - 8,445 sqm of new floorspace, new highway access, cycle and footway

With reference to the planning application at the above address, I would advise that South West Water has no objection with regards the reserved matters (approval of scale).

I would further comment that the applicant/agent is advised to contact South West Water if they are unable to comply with our requirements as detailed below.

### Asset Protection

Please find attached a plan showing the approximate location of a public 9 inch water main and a 300mm water main in the vicinity of the above proposed development. Please note that no development will be permitted within 3.5 metres of the water main. The water main must also be located within a public open space and ground cover should not be substantially altered.

Should the development encroach on the 3.5 metre easement, the water main will need to be diverted at the expense of the applicant.

[www.southwestwater.co.uk/developer-services/water-services-and-connections/building-near-water-mains/](http://www.southwestwater.co.uk/developer-services/water-services-and-connections/building-near-water-mains/)

Further information regarding the options to divert a public water main can be found on our website via the link below:

[www.southwestwater.co.uk/developer-services/water-services-and-connections/diversion-of-water-mains/](http://www.southwestwater.co.uk/developer-services/water-services-and-connections/diversion-of-water-mains/)

Should you require any further information, please contact the Pre Development Team via email: [DeveloperServicesPlanning@southwestwater.co.uk](mailto:DeveloperServicesPlanning@southwestwater.co.uk).

If further assistance is required to establish the exact location of the water main, the applicant/agent should call our Services helpline on 0344 346 2020.

### National Highways

Referring to the notification of a Reserved Matters planning application referenced above, seeking approval of scale pursuant to outline planning permission 18/1094/MOUT - Outline application accompanied by an Environmental Statement (with scale and appearance reserved) for the change of use of agricultural land to employment land (B1, B8 and D1 uses) to provide 8,445 sqm of new floorspace, new highway access, cycle and footway, improvements to flood attenuation, building layout and road layout, new hedgerow planting and associated infrastructure), at land east of Two Bridges, Two Bridges Road, Sidford, Devon notice is hereby given that National Highways' formal recommendation is that we:

a) offer no objection (see reasons at Annex A);

### **Statement of Reasons**

The application seeks approval of reserved matters relating to scale pursuant to outline planning permission 18/1094/MOUT - Outline application accompanied by an Environmental Statement (with scale and appearance reserved) for the change of use of agricultural land to employment land (B1, B8 and D1 uses) to provide 8,445 sqm of new floorspace, new highway access, cycle and footway, improvements to flood attenuation, building layout and road layout, new hedgerow planting and associated infrastructure), at land east of Two Bridges, Two Bridges Road, Sidford, Devon.

We are satisfied that the impact of the development on the safe operation of the strategic road network was addressed at outline stage, and as such offer no objections to the approval of scale as a reserved matter relating to outline application 18/1094/MOUT.

### **Recommendation**

National Highways has no objections to Reserved Matters application 21/1723/MRES.

### DCC Public Rights of Way

12.11.21 - I would like to make a holding objection to the above proposal due to the plans showing that two bollards will be installed on Laundry Lane.

This lane is a public highway therefore Devon County Council will not authorise

### Other Representations

57 letters have been received, 54 of these letters are objections with the remaining 3 letters representations (in summary);

- Increase of traffic, restriction of free flow of traffic, harmful to highway safety.
- Pollution.
- Increase in noise.
- Concern over size, height and scale of buildings.
- Road fronting blocks too large and on highest part of the land.
- Inadequate parking.
- Harmful impact on character and appearance AONB, would neither conserve nor enhance.
- Landscaping would not suitably screen harmful scale.
- External lighting harmful to AONB and neighbouring amenity.
- Harmful to ecology.
- Flooding.
- Not an appropriate buffer around the site.
- Mix of uses within the site not suitable.
- Conflicts with UK objective for net carbon infrastructure.
- Object to the principle of the development

### Representations

- nothing further to add to comments

The following comments have also been received from - Cllr Stuart Hughes – Sidmouth Sidford Adjoining Ward Member:

As an adjoining ward member to the application site I wish to make the following comments:-

Scale / design not in accordance with the East Devon Local Plan

The application as stands with the 2 x tallest buildings 7.5m at ridge height will have serious impact on the AONB and the local environment, and will seriously affect the quality of life of local residents opposite the Business Park site on Two Bridges Road. As an AONB site - the design should blend in to the local environment. The colour and materials used should replicate those of the adjoining Waste Water Treatment Plant.

**Loss of amenity for existing homes**

Strategy 26 of the East Devon Local Plan 2013-2031 also requires that there must be "...wide buffers around existing homes to minimise any amenity impacts. As submitted the tallest buildings towards the front of the site, go against this objective with one directly opposite residents properties.

The proposed scale of the buildings is not in accordance with the East Devon Local Plan

The proposals on the schedule of 'Proposed Scale' do not accord with the requirements of Schedule 26 of the Local Plan - "...the employment site must be subject to the highest design and landscaping standards". The proposals clearly don't accord with this advice forming a solid structural mass which will seriously impact the AONB.

**The scale is too great / development too intensive**

The proposed buildings need to be lower in order to blend in with the local AONB environment and therefore to meet the required design standard.

**PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
18/1094/MOUT	Change of use of agricultural land to employment land (B1, B8 and D1 uses) to provide 8,445 sqm of new floorspace, new highway access, cycle and footway, improvements to flood attenuation, building layout and road layout, new hedgerow planting and associated infrastructure.	Allowed at appeal	20.08.2019

16/0669/MOUT	Outline application accompanied by an Environmental Statement (with all matters reserved except access) for the development of up to 22,800sqm of floor space for use classes B1 (Office Light Industry), B2 (General Industry) and B8 (Storage and Distribution) with details of, and associated strategic landscaping for, the access, linking cycleway and footway, and flood improvements/attenuation.	Refused	27.09.2016
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## **POLICIES**

### Adopted East Devon Local Plan 2013-2031 Policies

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

EN5 (Wildlife Habitats and Features)

EN6 (Nationally and Locally Important Archaeological Sites)

EN7 (Proposals Affecting Sites which may potentially be of Archaeological Importance)

EN9 (Development Affecting a Designated Heritage Asset)

EN10 (Conservation Areas)

EN13 (Development on High Quality Agricultural Land)

EN14 (Control of Pollution)

EN21 (River and Coastal Flooding)

EN22 (Surface Run-Off Implications of New Development)

TC2 (Accessibility of New Development)

TC4 (Footpaths, Bridleways and Cycleways)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Strategy 3 (Sustainable Development)

Strategy 5 (Environment)

Strategy 26 (Development at Sidmouth)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 47 (Nature Conservation and Geology)

Strategy 48 (Local Distinctiveness in the Built Environment)

Strategy 49 (The Historic Environment)

Strategy 50 (Infrastructure Delivery)

#### Government Planning Documents

NPPF (National Planning Policy Framework 2021)

#### Neighbourhood Plan

Sid Valley Neighbourhood Plan (made)

#### **Site Location and Description**

The site is located within the East Devon AONB to the North of Sid Vale Close in Sidford. The site is bordered by the A375 (Two Bridges Road) to the West; woodland and the SWW pumping station to the East and further agricultural land and a treatment works to the North. The site comprises 4.2 hectares of gently sloping agricultural land within the floor of the Sid Valley.

It should be noted that under the outline application design parameters were included which stated the form of the buildings would be either single (6m) or double storey with a maximum overall height of 7.5 metres. The Planning Inspector raised no objection to this.

#### **Proposed Development**

Outline planning application 18/1094/MOUT secured planning consent for the following:

*Change of use of agricultural land to employment land (B1, B8 and D1 uses) to provide 8,445 sqm of new floorspace, new highway access, cycle and footway, improvements to flood attenuation, building layout and road layout, new hedgerow planting and associated infrastructure.*

This outline application considered the layout, landscaping and means of access. Consequently there were two remaining matters reserved - those being scale and appearance. This current application seeks consent for the reserved matter of 'scale'

only. Therefore considerations should be confined to this matter in relation to the size and height of the buildings. Accordingly envelope perimeters of these buildings have been submitted, along with site sections illustrating the profile of the ground levels.

The National Planning Policy Guidance clarifies what is meant by 'scale' within the context of a reserved matter;

*'Scale' - the height, width and length of each building proposed within the development in relation to its surroundings.*

*Paragraph: 006 Reference ID: 14-006-20140306*

*Revision date: 06 03 2014*

This is distinct from 'layout' which describes the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.

The layout, which has already been approved, illustrates blocks K and N as 'entrance buildings' from the main Sidmouth to Honiton road which is positioned to the west. Both blocks K and N are proposed to be two storeys with a total height of 7.5 metres. Between the road and these buildings would be a cycle/footway and buffer landscaping. Blocks G and J are positioned close to the water pump in the east portion of the site with block J also being 2 storey (total height 7.5 metres). Positioned centrally within the site are blocks H (one storey) and hub buildings (one storey). Other blocks such as A, B, C, D, E, F G and L are single storey with mezzanine – these blocks do not exceed 6.5 metres in height.

Blocks A, B and C are positioned closer to the buffer area around the south perimeters of the site.

A sectional drawing has been submitted that illustrates that ground levels concerning block K would be lowered by approx. 1.0 metre. Within the eastern portion of the site the area around block E would be built up by approx. 2.0 metres, before the land lowers further toward to the attenuation ponds.

APP/U1105/W/19/3221978 allowed at appeal on 20th August 2019 treated the plans as illustrative only where they relate to scale and appearance. Strategy 26 of the East Devon Local Plan 2013 to 2031 (2016) (LP) makes clear that up to 5 hectares of additional employment land will be provided in Sidmouth. It states this will be achieved with a particular onus on B1 (business) space and that land is allocated north of Sidford (Site 041A/041B) which will be developed in two phases. The appeal site was effectively the first phase of the allocation broadly reflecting Site 041A and this reserved matter also concerns this.

A further reserved matters application will need to be submitted for approval detailing the appearance of the buildings.

As part of the consideration of this application, Members cannot revisit matters related to the principle of the development, layout, and means of access or landscaping as these have already been approved as part of the appeal allowed by the Planning Inspector.

Development has commenced on Phase 1 of the development to the southern part of the site in relation to levels changes to address flood risk matters and in relation to landscaping. As there are no buildings on this part of the site, the applicant did not need any further planning permission from the Council before commencing these works.

## **ANALYSIS**

The main issues concerning the issue of 'scale' under this proposal are;

- The impact on character and appearance, with specific regard to the AONB
- Heritage Assets
- The potential for settlement coalescence resulting from 'scale'
- The potential impact on amenity of surrounding occupiers

### **The impact on character and appearance, with specific regard to the AONB**

Paragraph 176 of the National Planning Policy Framework (NPPF) states Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. Following this strategy 46 of the Local Plan states development will need to be undertaken in a manner that is sympathetic to, and helps conserve and enhance the quality and local distinctiveness of, the natural and historic landscape character of East Devon, in particular in Areas of Outstanding Natural Beauty. Accordingly, development will only be permitted where it conserves and enhances the landscape character of the area, does not undermine landscape quality and is appropriate to the economic, social and well-being of the area.

The Local Plan is also explicit in requiring that the site must be subject to the highest design and landscaping standards, although the term 'highest design' is not qualified.

It terms of the qualities this area in which the site is situated, this has been identified as a sparsely settled farmed valley floor. Long range views of the valley are available, in the main these views open with the pastoral land use outside of the Built Up Area Boundary (BUAB). The simple landscape pattern contrasts with the pattern of the existing settlements of Sidbury and Sidmouth, with the distinction between the built form and pastoral landscape evident from public views.

Policy 2 of the Sid Valley Neighbourhood Plan (NP) identifies and seeks to protect key views. Any development must not cause a significant adverse impact on the current valued views as shown in the Key Views Map 8 (of the NP). The visual relationship of settlements in the valley surrounded by hills should be protected. Except when development will not be visible from the viewpoints, proposals outside of the BUAB must demonstrate that they will have a low or negligible impact on the views.

It should be noted that both the council's landscape architect and the AONB team have objected to this proposal. Specifically the placing of the highest buildings to the site frontage rather than to the northeast corner of the site where site levels are over three metres lower than along the western boundary. Further, they advise that the

proposed heights of the single storey units are 6m which is relatively high and should be reduced to a minimum to further reduce visual impact along the western boundary.

Such a suggestion has merit as the tallest buildings would be better screened by the east perimeter strong tree line. However, it also has to be kept in mind that the land along the east part of the scheme would be built up by approx. 2.0 metres thereby making 2 storey buildings more prominent. Furthermore, the industrial units have to serve a potentially wide range of industrial uses and so in the round a height of 6.0 metres for such a building would not appear unreasonable and is not unusually/exceptionally tall.

The scale of the development would register from immediate visual receptors of the site frontage, including when travelling along the A3052. The approved layout secured the position of the buildings behind the boundary verge, landscaping and cycle/footway. This layout was considered to provide a softer front to the development and disrupt potentially harsher views of the buildings. The LVIA considered under the outline assessing the long term (15 year) period concluded that the impact would be likely of adverse and moderate levels of significance. It is acknowledged that landscaping along the western perimeter is not likely to screen industrial buildings in totality, but there is no evidence that this was necessary the objective. As industrial buildings are often at a scale larger than residential buildings, due to the nature of their intended uses, it was likely that the buildings would be seen from this vantage point. However, it does not follow that the buildings fail to conserve or enhance the AONB just because it can be seen.

With regards to the application site a relevant NP protected key view is number 8 – the long range view looking towards the site from elevated points on Trow Hill.

From the vantage point of Trow Hill the site is read as part and parcel of the valley floor with rising land to the west. The scale of the buildings illustrated would not break a skyline or appear as an especially prominent feature when viewed with the context of existing built form of surrounding residential properties (to the south and to a lesser extent to the west on the opposite side of the highway). From this long range vantage point the build form of predominantly residential development also appears higher up on the sloping land towards Core Hill (the properties on the opposite side of the road having a higher ridge height than that proposed through this application). Therefore, the scale of the development is not considered harmful in terms of visual impact from sensitive receptors given the nature and layout of the development already consented.

The character of the intended development, i.e. industrial, has been established under the outline consent and from the immediate and long range receptors the use of site would be clearly legible. The change in character from agricultural field would register, as indeed would the difference in character between the surrounding residential and intended industrial. However, this change in character is likely to register irrespective of the scale now presented of the industrial buildings.

The difference in height of single storey buildings (6.0 metres) and two storey (7.5 metres) from this long range view is unlikely to be noticeable or harmful in its wider context and given site planting.

It must also be remembered that the layout of the site was approved by the Planning Inspector, and approved with indicative elevations showing the scale of buildings proposed. Whilst these were only for illustrative purposes, they were before the Inspector when considering the overall impact from the development with no concerns raised.

In light of the above, it is considered that a refusal of permission on the basis of the provision of 7.5m buildings at the site frontage rather than 6m high buildings, or on the basis that 6m high buildings are unreasonably tall would be very difficult to justify on appeal.

## **Heritage Assets**

The site is close to the boundary of the Sidmouth Conservation Area (CA) and a number of listed buildings within it notably, the grade II listed Country House, 1, 2 & 3 School Street (Country House).

In accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, special attention should be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area in reaching this decision. Additionally, Section 66(1) (of the same Act) also includes the duty that have special regard to the desirability of preserving listed building or its setting or any features of special architectural or historic interest which it possesses.

The Conservation Area (CA) is characterised by traditional properties some finished in cobb and thatch with simple traditional architectural detailing but set within a wider agricultural landscape. The grade II listed Country House is positioned within the CA closest to the edge of the settlement and on the main route into the built-up area. It has been recognised that the significance of these listed buildings derives from their traditional architectural detailing and setting in the rural landscape. The significance of the CA derives from the traditional architectural detailing of the buildings within it and also from its setting in an agricultural landscape.

Under consideration of the outline application the Inspector opined;

*'subject to approval of reserved matters relating to scale and appearance I find the scheme would not harm the setting or significance of any listed buildings within the CA. In this regard the proposal would accord with Policies EN9 and EN10 of the LP which aim to ensure good design, safeguard the character of an area and protect heritage assets and their settings'.*

As the Inspector noted the layout showed the buildings set back from the road behind landscaping with spacing between them. The landscaping would soften the appearance of any form of development, maintaining a relatively soft transition from the built-up area to the agricultural landscape beyond thereby preserving the setting of the CA. The scale of the proposal now for consideration does not alter this.

The CA incorporates listed buildings, situated to the south of the site, notably Country House and School Street (amongst others) which immediately abut the main road.

Although there is some intervisibility and shared of experience of these heritage assets the scale of the industrial units proposed would not detract from their interpretation or appreciation. This is because intervisibility would be restricted to oblique views, with the 'buffer' area would the perimeter of the site mitigating the impact of the scale on these heritage assets.

When the CA and the listed buildings are appreciated from various vantage points the scale of the proposal does little to conflict against the previous position held by the Inspector. Accordingly the scale of the proposal is not considered to result in harm to heritage assets, in line with the statutory duties and relevant policies of the development plan.

### **The potential for settlement coalescence resulting from 'scale'**

The Sid Valley Neighbourhood Plan has been adopted since the approval of the outline consent. As the inspector noted policy 3 of the NP is concerned with settlement coalescence particularly between Sidford and Sidbury and states in an area identified adjoining the appeal site development will only be acceptable if it does not impact on the visual and physical separation of Sidford and Sidbury.

Bearing in mind that scale and appearance were not for consideration the Inspector considered that a significant gap would remain and that the proposed landscaping would soften the edge of the proposed development. The perimeters of the buildings now submitted would not result in intervisibility and so not lead to coalescence with separation clearly experienced when travelling and experiencing the two settlements.

### **The potential impact on the amenity of surrounding occupiers**

Now that the scale of the development is known an assessment can be made as to whether the proposal would result in likely harm to surrounding occupiers of residential properties.

The submitted site section shows the relationship of the two road fronting blocks (N and K) with the residential properties to the west on the opposite side of the highway. Due to these blocks being situated behind the road fronting landscaping and the intervening road there is not expected to be an overbearing or oppressive impact resulting.

There are also residential properties to the south of the development. However, it is noted that approved layout means that there is a large buffer of greenery between the position of the blocks and the properties to south. Again an overbearing or oppressive impact would therefore be avoided.

Taking the above into account the proposal accords with policy D1 of the Local Plan in this respect.

### **Other matters**

As stated at the beginning of this committee report matters for consideration should be confined to 'scale' only. This point appears to not have been picked up by some

consultee responses which instead seek to concern themselves with matters outside of this scope (including the Lead Flood Risk authority). Many of the third party correspondence also seek to rehearse the principle of the development, the impact on traffic or revisit the layout which are not material to this current reserved matter. Accordingly concerns outside of the scope of 'scale' are not material and do not need to be addressed.

## **Conclusions**

Considerations of this reserved matters application are restricted to 'scale'. Scale within this context concerns buildings relative size and height in relation to its surroundings. The starting point for reaching a conclusion on the issue of 'scale' in this instance is accounting for the great weight should be given to conserving and enhancing the landscape and scenic beauty of an AONB, which has the highest status of protection. This reflects the statutory duty under Section 85 of The Countryside and Rights of Way Act 2000 to have regard to the purpose of conserving and enhancing the natural beauty of AONB.

The valley floor in which the development is to take place is noted for its scenic beauty. The surrounding built form of this site concerns residential buildings, some with historic importance. The proposal would feature two blocks of two storey buildings fronting the adjacent highway, which is the main route from Sidbury to Sidford.

The impact of the development would register from immediate, medium and long distant vantage points.

The scale of the buildings would be noted from the adjacent highway from immediate vantage points and long range views from Trow Hill (a valued view as noted within the NP). However, the difference in height of either single storey (6m high) or two storey (7.5m high) buildings, from this long range view, would be negligible with the distance diminishing greatly the prominence that the difference in height of the buildings would make.

From the medium range views of Sid Vale Close, Castle Hill View, Ballard Grove and England's Close, the scale of the buildings would not be prominent or detracting considering views of the site are often precluded by the existing built form or framed by this. The same also applies from Brook and Frys Lane, to the west, on the opposite side of the A375.

From immediate range views, notably of the adjacent highway, the scale of the buildings would be perceptible. However, the lower section of the road fronting buildings would be softened by the previously approved landscaping and by virtue of its position - set back from the west perimeter. Travelling along the A375 the site would clearly be read as industrial with a different character and appearance from that of the surrounding countryside or residential areas. However, the starting point is the nature of the development previously approved as well as the secured layout. Taking this into account the difference in height of the two highway fronting blocks, between either a single storey (6.0 m) and two storey (7.5 m) buildings, whilst noticeable from this immediate range could not justify refusal of permission and does not detract from the AONB qualities (noted within the landscape character assessment).

Taking all of the above into account the proposal is not considered to conflict with the development plan.

## **RECOMMENDATION**

APPROVE subject to the following conditions:

1. East Devon District Council as Local Planning Authority HEREBY APPROVE THE FOLLOWING RESERVED MATTER of the above described development proposed in the application numbered as shown above and in the plans and drawings attached thereto relating to:-

### Scale

This Reserved Matters application numbered as shown above is made pursuant to the Outline Planning Permission (ref. no. 18/1094/MOUT) granted on 20th August 2019.

The reserved matters details hereby permitted also satisfy the requirements of the following Conditions as attached to the Outline Planning Consent (ref. no. 18/1094/MOUT) granted on 20th August 2019 and correct implementation in accordance with the approved details or any further approvals needed:

Condition 1 - Period for the submission of the reserved matters.

Condition 2 - Approval of the specified reserved matters before any development is commenced.

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.)

## NOTE FOR APPLICANT

Informative: Confirmation - No CIL Liability

This Informative confirms that this development is not liable to a CIL charge.

Any queries regarding CIL, please telephone 01395 571585 or email [cil@eastdevon.gov.uk](mailto:cil@eastdevon.gov.uk).

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 works proactively with applicants to resolve all relevant planning concerns; however, in this case the application was deemed acceptable as submitted.

Plans relating to this application:

DGA 10.01	Proposed Block Plan	20.09.21
DGA 10.02	Proposed Elevation	20.09.21
DGA 10.03 : proposed	Sections	20.09.21
SK_001 (A1) REV P1 : road/building layout	Other Plans	22.06.21
SK_001 REV P6 : road	Other Plans	22.06.21
SK_003 REV P2	Proposed Site Plan	22.06.21
SK06 : preliminary levels	Other Plans	20.09.21
SK07 : preliminary site sections	Other Plans	20.09.21
	Location Plan	22.06.21

List of Background Papers

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