

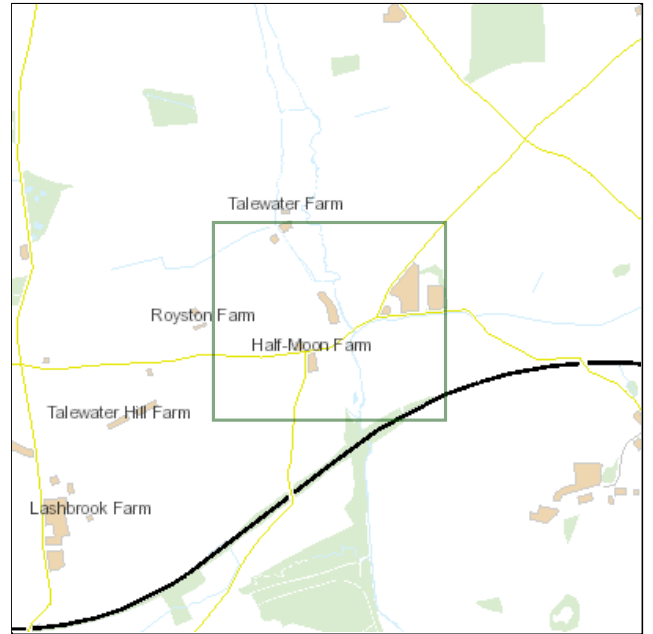
Ward Tale Vale

Reference 20/1086/FUL

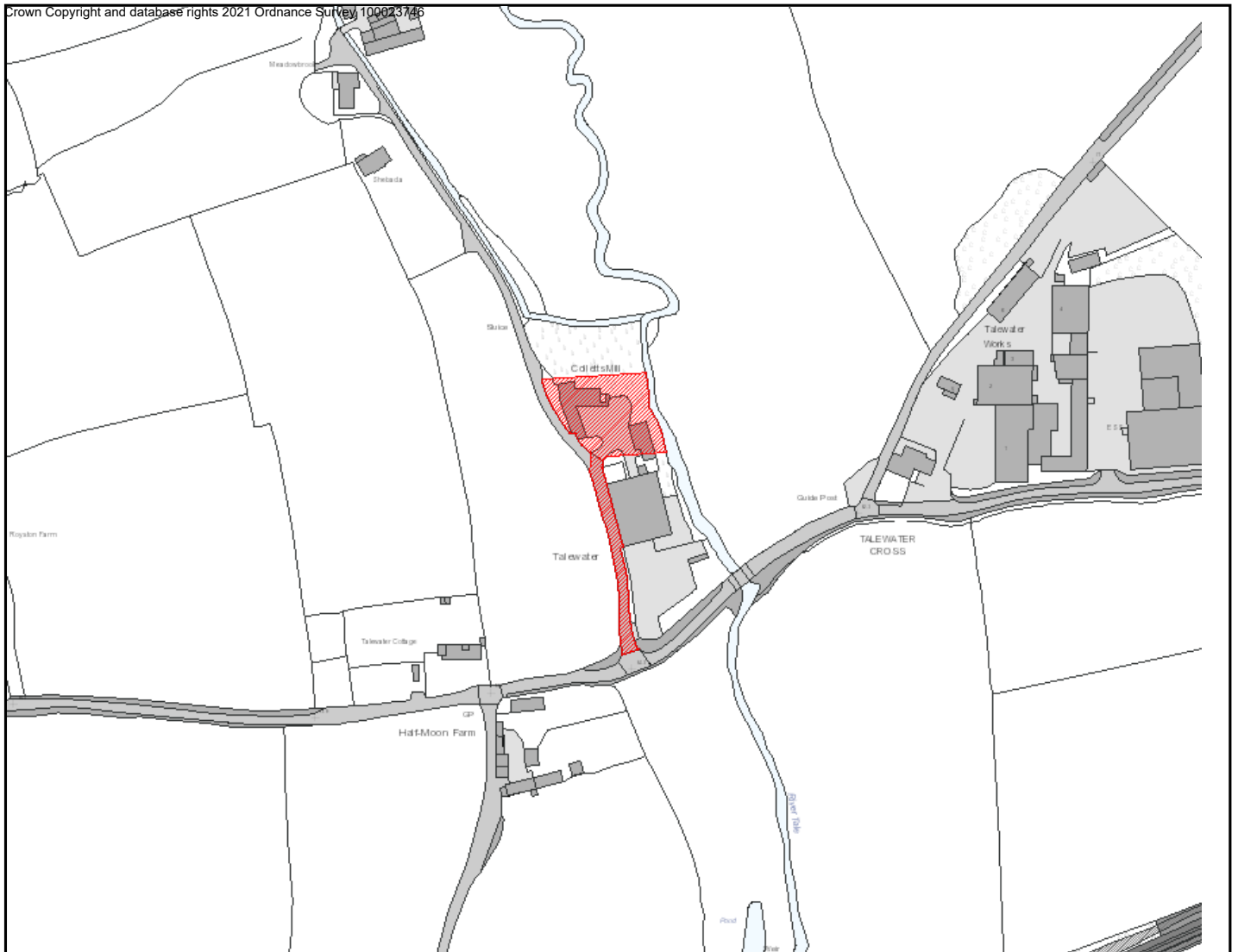
Applicant Mr Steve Hodge

Location Talewater Mill Talewater Talaton Devon EX5 2RS

Proposal Conversion of mill to residential dwelling.



RECOMMENDATION: Refusal



		Committee Date: 14th June 2021
Tale Vale (Talatan)	20/1086/FUL	Target Date: 21.08.2020
Applicant:	Mr Steve Hodge	
Location:	Talewater Mill Talewater	
Proposal:	Conversion of mill to residential dwelling.	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

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

The application relates to a currently redundant building known as Talewater Mill. It is located in the countryside, approximately halfway between the villages of Talaton and Feniton (around 1.5 kilometres away from those settlements). The site lies partly within the flood zone associated with the near-by stream. To the south there are some commercial/workshop buildings.

Planning permission is sought to convert the building to a residential dwelling.

With regard to the principle of the development, the site lies in the open countryside, as defined by Strategy 7 of the East Devon Local Plan, where housing development is not normally permitted unless it is in accordance with another policy of the Local Plan or a neighbourhood plan. There is no neighbourhood plan in place for the Parish of Talaton.

Policy D8 of the Local Plan (Re-use of Rural Buildings Outside of Settlements) lists a number of criteria under which developments of the nature proposed can be considered acceptable. A key criteria for proposals which would result in a domestic use is that "Development is located close to a range of accessible services and facilities to meet the everyday needs of residents". Clearly, in this instance, the nearest facilities are not located where it is reasonable to expect residents to walk or cycle each time they utilise them and are, therefore, not considered to be 'close'. Furthermore, the bus service is limited. Consequently, it is considered likely that the primary way of accessing facilities will be by private motor vehicle. Therefore, the site is considered to be unsustainable and not in compliance Policy D8. Policy TC2 (Accessibility of New Development) of the Local Plan also requires development to be near to services, the proposal would not comply with this policy either.

The National Planning Policy Framework (NPPF), in paragraph 79, details circumstances under which isolated homes in the countryside can be permitted. However, as the building forms one of a number of buildings in the surrounding locality, the building is not considered isolated, so Paragraph 79 of the NPPF is not engaged.

The proximity of the site to the applicant's place of work has been drawn to Officers attention. However, there is no local plan policy which specifically supports a dwelling in the countryside in such circumstances, and this factor would not significantly improve the sustainability of the dwelling, as it would remain most likely that all other services/trips (shopping, school, doctors, for leisure) would be accessed through the use of a private motor vehicle.

The agent has stated that a fall-back position is a material consideration in this instance, however, the GDPO Part 3 does not cater for industrial buildings to dwellings and therefore there is no relevant fall-back position in this instance.

Given the above, there is no support for the principle of the development.

Despite the proposal be acceptable in all other regards it is clear from the details above that neither the Local Plan nor the NPPF provide support for the principle of the proposal, despite the proximity of the site to the applicant's work place. Consequently, notwithstanding that the proposal is considered acceptable in all other regards, it is recommended that this application is refused.

CONSULTATIONS

Local Consultations

Parish/Town Council

17/07/20 - The PC voted unanimously to support this application. We are pleased to see a brown field site being brought back into use and the conversion of the old storage buildings and mill into a dwelling will be a huge visual improvement to the area. We would have liked to have had more information on the precise location of the proposed water treatment site.

Clerk To Feniton Parish Council

20/07/20 - 20/1086/FUL conversion of mill to residential dwelling and annexe at Talewater Mill, Talewater, Talaton. It was RESOLVED to object to this application and to submit a response stating that 'Feniton Parish Council objects to this application due to serious reservations with regards to the possibility of increased flooding in the area'.

Tale Vale – Cllr Philip Skinner – Ward Member

I would like to very much be included in this meeting. My stance on this issue will be supporting Talaton PC in SUPPORT of this application.

Feniton - Cllr Susie Bond – Adjoining Ward Member

22/07/20 - Thank you for the opportunity to comment on this application in the adjoining ward.

My initial position on this application is that it should be refused.

While the conversion of rural buildings is to be encouraged to increase the housing stock in the countryside, this particular building is in flood zone 3, where building should be resisted. The property is on the boundary of the parish of Feniton in my ward. The village suffers from significant flooding issues, which means that access roads to the village become impassable. The application proposes that surface water should be directed into the stream which runs close to the property and, at times of heavy rain, this stream causes significant flooding issues on the road between Feniton and Talaton. Any surface water from the proposed property should not be added to the stream, as this will only exacerbate a pre-existing problem.

TECHNICAL CONSULTATIONS

Environment Agency

17/07/20 - Thank you for your consultation of 29 June 2020 in respect of the above planning application.

Environment Agency position:

We object to this application on the grounds that it is not supported by an adequate flood risk assessment and that, based on the best available information, the proposal is located within flood zone 3b and should not therefore be permitted. Advice detailing the reasons for our position is set out below.

Reason - Inadequate flood risk assessment:

Whilst the submitted flood risk assessment (FRA) is for the conversion of three barns into three separate residential dwellings, the application is for just one residential property with an associated annex.

The FRA suggests that hydraulic modelling should be undertaken in order to determine flood levels for the site, yet this modelling has not been undertaken. The best modelling available (JFLOW) indicates that the site for development is in flood zone 3b (functional floodplain). There are also records of flooding in the area in 1997 and 2008.

Hydraulic modelling would also be required to assess the risk from the watercourse north of the development site. It is unclear how this watercourse will effect flood risk because it is not picked up on the JFLOW models.

Furthermore, the effects of climate change have not been considered within the FRA. The latest guidance available on gov.uk states that for residential properties an increase of 85% should be assessed.

We note that a finished floor levels label has been marked on the Proposed East Elevation drawing, however, no actual levels have been determined. Finished floor levels should be raised above the level of flood risk as well as taking into account the impact of climate change.

Therefore, detailed hydraulic modelling of the watercourses should be undertaken, taking into account the impact of climate change, in order to accurately understand what the risk will be to the proposed residential development. Once modelling has been assessed the FRA should be updated to reflect the current proposals and associated risks to people and property.

Reason - Proposal inappropriate in flood zone:

As noted above it is assumed that the site is located within flood zone 3b (the functional floodplain). Table 3 in the flood risk and coastal change section of the planning practice guidance is clear that 'more vulnerable' uses such as dwellings should not be permitted in flood zone 3b. However, if an acceptable FRA were to demonstrate that the site is not located within functional floodplain your Authority should consider whether the sequential and exception test are applicable.

For simple changes of use the sequential test does not need to be applied. However, where significant works are required to convert the use of a building, or the proposal involves subdivision, the sequential test may be applicable.

If you deem that the sequential test is applicable the exception test will need to be applied as a 'more vulnerable' development within flood zone 3. The exception test requires development to provide wider sustainability benefits to the community and be safe for its lifetime, without increasing flood risk elsewhere, and, where possible, reducing flood risk overall.

Regardless of whether the exception test needs to be applied it is still a general policy requirement for development be safe for its lifetime, without increasing flood risk elsewhere.

Further comments

20/11/20 - Thank you for reconsulting us on this application.

Environment Agency position

We maintain our objection to this development on the grounds of flood risk and the sequential test still needing to be passed.

Reason:

The sequential test is required if a dwelling is being subdivided. This change of use proposal is for the development on a residential property and separate annex (this would be classified as sub divide despite the connection on the first floor). Once passed the applicant will need to prove that the development will be safe for the lifetime (100 years).

The applicant has stated that finished floor levels cannot be raised as the levels are predetermined associated with building conversion. This is not deemed an adequate reason and unless there are sound planning or technical reasons that prevent floor levels being raised then finished floor levels must be raised above the design flood level taking climate change and freeboard into account.

When discussing the mitigation measures the FRA does not make any certainties about what will be provided for the development. If there is sound reason why finished floor levels cannot be raised then it must be confirmed what mitigation will be provided.

The LPA should be aware that if the applicant undertakes a "water exclusion strategy" - which would take the form of property flood resilience measures such as flood barriers these measures are generally only effective up to a maximum of 600mm when deployed in a correct and timely fashion. As the estimated flood depths are in the region of 600mm with no account for freeboard then internal flooding from overtopping or failure of these exclusion measures is a possibility.

There is adequate access and egress through the primary access into the property which is in flood zone 1. The first floor will also be a place for safe refuge should it be required.

Overcoming our objection

The applicant can overcome our objection by submitting an FRA which demonstrates that the proposed development will be safe from flooding over its lifetime without increasing flood risk elsewhere.

Further comments:

02/03/21 - Response

We continue to hold our objection on the ground of flood risk as we require clarification about finished floor level alterations.

Reason

The design of the property has been developed so that there will be no subdivision of the dwelling, the sequential test is therefore no longer required.

In order to account for an increase in flood risk due to climate change the updated plans and drawings have been adapted to take into account flood zone 2 levels for predicted flood levels which due to the scale of the development, in this instance is acceptable. A freeboard level of 800mm has also been used for the proposed mitigation measures.

Finished Floor Levels

The applicant has produced no technical reason such as building regulation minimum levels as to why finished floor levels cannot be raised. There may be sound reason and if this is the case then we have no further objections to this development however evidence as to why finished floor levels cannot be raised must be submitted and agreed by the planning officer.

If the applicant cannot provide just reason why finished floor levels cannot be raised above the flood level (taking climate change increase and freeboard into account) then we will hold our objection until finished floor levels are raised.

Flood Mitigation Measures

If there is just reason why finished floor levels cannot be raised then I am happy to remove my objection however we must have some more information on the mitigation measures that have been proposed.

Proposed Section drawings Jan 2021 states that 'doors and windows to provide flood resilience to minimum 63.84Maod'. Further information on the flood resilience measures should be submitted and the use of non-return valves should also be considered. We appreciate that exact doors etc. may not have been selected yet, in this case, if the Local planning Authority are minded to approve this application we suggest a pre commencement condition that details the exact flood resilience measures and what company will be used.

Advice to applicant

In order to remove our objection:

- o Please provide technical reasoning as to why finished floor levels are not being raised.
- o Please provide further information on the mitigation measures.
- o If there is no technical reason as to why finished floor levels can't be raised then development design should be adapted in line with my previous consultation response to raise above the 1 in too year flood level (taking climate change and freeboard into account).

Advice to LPA

If a water exclusion strategy with the use of flood mitigation measures does go ahead we suggest that regular maintenance and replacement of these measures be included within the section 106 agreement to insure that over the development lifetime of 100 years the resilience measures do not fall into disrepair or get replaced by non-resilient features.

Further comments:

12/04/21 - Thanks for reconsulting us about this proposal.

Environment Agency position

This development will be acceptable providing a condition is included on any permission granted prior to occupation of the dwelling in order to meet the requirements of the National Planning Policy Framework (NPPF).

The suggested wording for this condition and associated advice is provided below.

Condition - Flood Resilience Measures

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA). Prior to occupation of the dwelling, the developer must provide details of the flood resilience measures that will be installed as part of the development, including:

- o A full suite of resilience measures must be provided including flood doors and windows as well as non-return valves and airbricks and raising of the electrics within the building.
- o If the floor of the dwelling is not solid, a pump system should be considered to ensure that flood waters will not flood the property through floorboards. Long term maintenance of these measures for the lifetime of the development (100 years) must also be acknowledged.

Reason for condition

To ensure that the residential dwelling will be safe from flooding and minimise damage.

Notes to LPA

Just reasoning for not raising the finished floor level has been provided in an email from Mr Ian Firth on 11 March 2021.

We suggest that regular maintenance and replacement of the flood resilience measures be included within the Section 106 agreement to ensure that over the development lifetime of 100 years the resilience measures do not fall into disrepair or get replaced by non-resilient features.

EDDC Landscape Architect - Chris Hariades

27/07/20 - EDDC Landscape and green infrastructure response to planning application

Application no.

20/1086/FUL

Talewater Mill Talewater Talaton Devon

Description

Conversion of mill to residential dwelling and annexe

EDDC Planning Area

West

Date of response

27 July 2020

This report forms the EDDC's landscape response to the full 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 LOCATION, SUMMARY PROPOSALS, SITE DESCRIPTION AND CONTEXT

2.1 Location and brief description of proposals and means of access

The site is situated at Talewater on a private lane to the north of the minor county road running between Tallaton and Feniton and immediately to the west of the River Tale.

The proposals comprise the conversion of a derelict former mill building to a single residence with the living accommodation arranged principally at first storey with large windows to the east elevation and associated external works.

2.2 Site description and context

The site is low lying and comprises a dilapidated mill building fronting the private lane with an area of cleared ground to the rear extending to the river on the far (east) side. There are some trees within the application boundary including a mature birch to the southern end of the mill building and some trees along the riverbank. There is an existing industrial shed to the southern side of the plot. Surrounding land is agricultural, predominantly arable land, characterised by large and medium sized fields bounded by low hedgebanks with frequent mature trees, predominantly oak.

There is no public access within or adjacent to the site or any public rights of way in the vicinity.

There are no landscape or conservation designations effecting the proposed site or its surroundings.

2.3 Landscape and visual effects of proposals

The proposals could adversely impact existing site trees. It is noted that spoil from site clearance operations has been placed under the canopy of an ash tree growing on the river bank which could adversely impact its health and which should be carefully removed clear of the canopy spread.

There is potential for some light spill from the large windows on the first floor which could be noticeable within an area noted for its dark night skies and which should be mitigated for by additional riverside tree planting.

The only visual receptors likely to be affected by the proposals are users (cyclists and motorists) of the county road to the east of the site which affords occasional views of the site from field gateways and over the top of hedgerow and users of the adjacent private lane accessing.

For users of the road to the west visual effects are likely to be limited to additional light spill at night, while for users of the private lane the refurbishment of an existing dilapidated building is likely to have a positive visual effect.

3 CONCLUSIONS & RECOMMENDATIONS

3.1 Acceptability of proposals

The proposed application is likely to have limited landscape and visual impact and on the basis of the details submitted the scheme should be considered acceptable in terms of landscape and visual impact subject to conditions as per section 3.2 below.

3.2 Landscape conditions

1) No development work shall commence on site until the following information has been submitted and approved in writing by the Local Planning Authority:

a) a landscaping scheme to include the planting of trees, hedges, shrubs, herbaceous plants and areas to be grassed. The scheme shall also give details of any proposed walls, fences and other boundary treatment, external lighting and measures to enhance bio-diversity value. The landscape scheme shall be carried out prior to occupation of the building with the exception of planting works which should be completed within the planting season following first occupation unless any alternative phasing of the landscaping is agreed in writing by the Local Planning Authority and the landscaping shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.

b) Measures for protection of existing perimeter trees/ undisturbed ground during construction phase in accordance with BS5837: 2012. Approved protective measures

shall be implemented prior to commencement of construction and maintained in sound condition for the duration of the works.

2) The works shall be executed in accordance with the approved drawings and details and shall be completed prior to first use of the building with the exception of planting which shall be completed no later than the first planting season following first use.

(Reason - To ensure that the details are planned and considered at an early stage in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - (Design and Local Distinctiveness); D2 - Landscape Requirements and D3 - (Trees and development) of the Adopted East Devon Local Plan 2013-2031.)

Natural England

23/07/20 - Thank you for the above consultation received by Natural England on 7th July 2020.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE DESIGNATED SITES [EUROPEAN] - FURTHER INFORMATION REQUIRED

Habitats Regulations Assessment - Recreational Impacts on European Sites

This development falls within the 'zone of influence' for the East Devon Pebblebed Heaths SAC and East Devon Heaths SPA as set out in the Local Plan and the South East Devon European Sites Mitigation Strategy (SEDEMS). It is anticipated that new housing development in this area is 'likely to have a significant effect' when considered either alone or in combination, upon the interest features of the SAC/SPA due to the risk of increased recreational pressure caused by that development.

In line with the SEDEMS and the Joint Approach of Exeter City Council, Teignbridge District Council and East Devon District Council, we advise that mitigation will be required to prevent

such harmful effects from occurring as a result of this development. Permission should not be granted until such time as the implementation of these measures has been secured.

Natural England's advice is that this proposed development, and the application of measures to avoid or reduce the likely harmful effects from it, may need to be formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment in view of the European Site's Conservation Objectives and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended).

Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w).

Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the data.gov.uk website.

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondence to consultations@naturalengland.org.uk.

ANNEX A

Natural England offers the following additional advice:

Landscape

Paragraph 170 of the National Planning Policy Framework (NPPF) highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland or dry stone walls) could be incorporated into the development in order to respect and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape & Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the Landscape Institute Guidelines for Landscape and Visual Impact Assessment for further guidance.

Best and Most Versatile Agricultural Land and Soils

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 170 and 171). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in GOV.UK guidance. Agricultural Land Classification information is available on the Magic website on the Data.Gov.uk website. If you consider the proposal has significant implications for further loss of 'best and most versatile' agricultural land, we would be pleased to discuss the matter further.

Guidance on soil protection is available in the Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites, and we recommend its use in the design and construction of development, including any planning conditions. Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

Protected Species

Natural England has produced standing advice¹ to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

Local Sites and Priority Habitats and Species

You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraphs 171 and 174 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies.

Priority Habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under Section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest on the Magic website or as Local Wildlife Sites. List of priority habitats and species can be found here². Natural England does not routinely hold species data; such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites; often found in urban areas and former industrial land. Further information including links to the open mosaic habitats inventory can be found here.

¹ <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

² <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

Ancient Woodland, Ancient and Veteran Trees

You should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 175 of the NPPF. Natural England maintains the Ancient Woodland Inventory which can help identify ancient woodland. Natural England and the Forestry Commission have produced standing advice for planning authorities in relation to ancient woodland and ancient and veteran trees. It should be taken into account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a SSSI or in exceptional circumstances.

Environmental Enhancement

Development provides opportunities to secure net gains for biodiversity and wider environmental gains, as outlined in the NPPF (paragraphs 8, 72, 102, 118, 170, 171, 174 and 175). We advise you to follow the mitigation hierarchy as set out in paragraph 175 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be

incorporated into the development proposal. Where onsite measures are not possible, you should consider off site measures. Opportunities for enhancement might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Designing lighting to encourage wildlife.
- Adding a green roof to new buildings.

You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:

- Links to existing greenspace and/or opportunities to enhance and improve access.
- Identifying opportunities for new greenspace and managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips)
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network or using the opportunity of new development to extend the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).

Access and Recreation

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways should be considered. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be delivered where appropriate.

Rights of Way, Access land, Coastal access and National Trails

Paragraphs 98 and 170 of the NPPF highlights the important of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way and coastal access routes in the vicinity of the development. Consideration should also be given to the potential impacts on the any nearby National Trails. The National Trails website provides information including contact details for the National Trail Officer. Appropriate mitigation measures should be incorporated for any adverse impacts.

Biodiversity Duty

Your authority has a duty to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information is available.

DCC Historic Environment Officer

15/07/20 - I refer to the above application. Talewater or Colletts Mill is a former water-powered corn mill, the site of which dates back to at least 1749. It is described in a sale notice of 1810 as a flour and grist mills with a house and stable. It appears to have last functioned as a mill in 1939, latterly with a gas or diesel engine. Although nothing is said to remain of the machinery, the building is likely to still retain structural evidence of its former function as a mill.

Given the impact of the proposed conversion upon the building(s) and in accordance with Policy EN6 of the East Devon Local Plan 2013 - 2031 and paragraph 199 of the National Planning Policy Framework (2019) the Historic Environment Team recommends that this application should be supported by the submission of a Written Scheme of Investigation (WSI) setting out a programme of historic building recording work to be undertaken in mitigation for the impact upon these heritage assets. The WSI should be based on national standards and guidance and be approved by the Historic Environment Team.

If a Written Scheme of Investigation is not submitted prior to determination the Historic Environment Team would advise, for the above reasons and in accordance with paragraph 199 of the National Planning Policy Framework (2019) and Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan, that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

"No development to which this permission relates shall commence until an appropriate programme of historic building recording and analysis has been secured and implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.'

Reason: 'To ensure, in accordance with Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan and paragraph 199 of the National Planning Policy Framework (2019), that an appropriate record is made of the historic building fabric that may be affected by the development'

This pre-commencement condition is required to ensure that the historic building recording works are agreed and implemented prior to any disturbance of the heritage asset by the commencement of preparatory and/or building works.

I would envisage the programme of work as taking the form of an appropriate record of the historic building(s) as well as any architectural features, fixtures and fittings affected by the development. This work would be undertaken in advance of any

conversion works and supplemented, if required, by observations made during the development. The results of the historic building recording work and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report, and any finds and archive deposited in accordance with relevant national and local guidelines.

I will be happy to discuss this further with you, the applicant or their agent. The Historic Environment Team can also provide the applicant with advice of the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work. Provision of detailed advice to non-householder developers may incur a charge. For further information on the historic environment and planning, and our charging schedule please refer the applicant to: <https://www.devon.gov.uk/historicenvironment/development-management/>.

Other Representations

Two third party representations have been received. The primary points raised in these relate to flooding. A comment relating to boundaries is also made. However, boundary disputes are not a planning consideration.

PLANNING HISTORY

- 88/P2506 - Refusal - Change Of Use From Light Industrial Building To Five Dwellings.
- 93/P0680 - Approval with conditions - Erection Of Industrial Units.
- 89/P1935 - Approval with conditions - Erection Of Small Industrial Units.
- 09/2239/FUL - Approval retrospective - Retrospective application for the installation of stone gabions.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies
Strategy 7 (Development in the Countryside)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D8 (Re-use of Rural Buildings Outside of Settlements)

EN5 (Wildlife Habitats and Features)

EN6 (Nationally and Locally Important Archaeological Sites)

EN21 (River and Coastal Flooding)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2019)

Site Location and Description

This application relates to a currently redundant building known as Talewater Mill. It is located in the countryside, outside any built-up area boundary approximately halfway between the villages of Talaton and Feniton; the site is approximately 1.5 kilometres away from those settlements. Access to the site is along a private drive, which joins the C Class road between the aforementioned settlements. There is a limited bus service which runs along the road, serving Talaton, Feniton, Whimple, Ottery St. Mary, Sidmouth and intermediate villages/hamlets.

The site lies partly within the flood zone associated with the near-by stream. To the south there are some commercial/workshop buildings and, to the north, accessed off the same track, is Talewater Farm; a grade II listed building, with associated outbuildings which appear to be holiday accommodation. Reasonably close to the site, but accessed off the public highway, are two other residential properties, one of which is also a grade II listed building, and some other commercial buildings.

Proposed Development

Planning permission is sought to convert the building to a residential dwelling. This includes the raising of the roof and elevation changes to introduce doors and windows.

ANALYSIS

The key considerations in the determination of these applications relate to the principle of development, flood risk, visual impact, conservation and archaeology, highway safety and ecology.

Principle

The site lies in the open countryside, as defined by Strategy 7 of the East Devon Local Plan, where housing development is not normally permitted unless it is in accordance with another policy of the Local Plan. The current building is in a poor state of repair, but it is noted that the structural survey concludes that the building is suitable for conversion to a dwelling.

Policy D8 of the Local Plan (Re-use of Rural Buildings Outside of Settlements) lists a number of criteria under which developments of the nature proposed can be considered acceptable. A key criteria for proposals which would result in a domestic use is that "Development is located close to a range of accessible services and facilities to meet the everyday needs of residents". Clearly, in this instance, the nearest facilities are not close and it is not reasonable or likely for occupiers walk or cycle each time they utilise them. Furthermore, the bus service is limited. Consequently, it is considered likely that the primary way of accessing facilities in Talaton, Feniton, Ottery St. Mary and beyond will be by private motor vehicle. Therefore, as it is not located

close to a range of facilities, the site is considered to be unsustainable and not in compliance with the aforementioned criteria. Consequently, the development would not comply with Policy D8 of the Local Plan regardless of whether it is considered to comply with other elements of that policy.

Additionally, Policy TC2 (Accessibility of New Development) of the Local Plan requires development to be located where the use of private motor vehicles to access services is reduced. Clearly, in this instance, the development is not considered to comply with that policy, due to the location of the site in away from any settlement.

The National Planning Policy Framework (NPPF), in paragraph 79, details circumstances under which isolated homes in the countryside can be permitted. However, as the building forms one of a number of buildings in the surrounding locality, the building is not considered isolated, the agent agrees to this interpretation as well and, therefore, Paragraph 79 of the NPPF is not engaged.

Whilst the building has been in employment use, it appears to have been vacant for some time and as such its loss from employment use is not considered to be of concern or contrary to Strategy 32, although the continued use of the building for its lawful employment use would be welcomed.

The proximity of the site to the applicants place of work has been drawn to Officers attention, and this factor is noted. However, there is no local plan policy which specifically supports a dwelling in the countryside in such circumstances. Therefore, there would be no basis on which a condition to restrict the occupancy of the dwelling in that way could be upheld. Furthermore, it is considered that this factor would not significantly improve the sustainability of the dwelling, as it would remain most likely that services would be accessed through the use of a private motor vehicle. Trips to access shopping facilities, schools, doctor, sports and leisure facilities would all necessitate use of the car and outweigh any benefits from being located close to the place of work.

Finally, the agent has stated that a fall-back position is a material consideration in this instance, however, the GDPO Part 3 does not cater for industrial buildings to dwellings and therefore there is no relevant fall-back position in this instance.

Given these factors, it is considered that the close proximity of the applicants work place to the proposal site is not sufficient reason on its own to support the proposal.

Given the above comments it is considered that there is no support for the principle of the development.

Suitability of the barns for conversion and external changes.

The structural survey submitted with the application concludes with the following statement:

"It is also thought reasonable to assert that the building, as described within this report, is capable of conversion to a dwelling without significant alteration, extension or substantive re-building".

Given that conclusion, and the lack of any evidence to counter that conclusion, it is considered that the building is suitable for conversion.

The external changes proposed would not unacceptably alter the scale of the building, and would use many of the existing openings. The proposed materials would be sympathetic to the rural nature of the area, and full details of these can be sought by condition to ensure that they are suitable.

Overall, it is considered that the proposed scheme is sympathetic to the character and appearance of the building, and would provide a long term use for the building in accordance with Policy D1 of the EDDC Local Plan.

Flood Risk

The application site is located partly in, or very close to, a flood zone, and objections relating to flooding matters have been received from the ward member and parish council representing the adjoining parish (the parish and ward boundary is directly adjacent to the site) and a third party. The Environment Agency (EA) initially objected to the application as they also has concerns about flood risk. As a result of those concerns, additional information, and clarification of some areas of the proposal, was provided by the applicants. This information was considered by the EA and was deemed to be sufficient for them to withdraw their objection to the proposal, subject to a condition relating to the provision of flood resilience measures within the dwelling. The condition proposed by the EA is considered to be reasonable, although it is considered that the use of a S106 agreement could be reasonable replaced with an 'in perpetuity' condition.

It is noted that the EA have focused on the risk to the property from flooding, whilst some of the objections received regarding flooding have also made reference to flooding in the wider area. Those objections are noted, but, with the EA not raising such matters as a concern (and also as the Highway Authority has not raised concerns about highway flooding), it is considered that it would be unreasonable for the Council to object to the proposal on those grounds.

With reference to the sequential test, this is not required on the basis that the proposal relates to the conversion of a building, rather than the construction of a new building and as such represents a change of use.

Given the above comments, it is considered that the proposal is acceptable with regard to flood risk.

Conservation and archaeology.

The building to which this application relates is not listed, and neither are any of the immediately adjoining buildings. There are two listed buildings within 150 - 250 metres of the site. Given that distance, the nature of the proposal and the character of the existing building, it is considered that the development would not have a detrimental the setting of those listed buildings; the listed buildings are not visible from the site, and the development would not impact upon their setting.

The County Archaeologist has assessed the proposal and has drawn attention to the potential for the site to contain historic artefacts, given its former use. Consequently, a condition relating to a Written Scheme of Investigation (WSI) has been suggested. This condition is considered to be acceptable, and will be imposed if this application is approved.

Given the above comments, the proposal is considered acceptable with regard to its impact on conservation and archaeology.

Highway safety and parking provision.

The proposed dwelling would be accessed off a private drive which, in turn, joins the public highway at a well-established entrance. That entrance is used by a number of properties. The County Highway Authority has not objected to the proposal so, therefore, it is considered that the proposed access arrangements are acceptable in highway safety terms.

With regard to parking provision, a large parking area would be provided with the dwelling. This would exceed the Local Plan requirement for 2 parking spaces, and would also enable vehicles to arrive at, and depart, the site in a forward gear.

Given the above, the proposal is considered acceptable in terms of its impact on highway safety, and is also in terms of parking provision.

Ecology

The application is supported by an Ecology Report, which provides the following two key conclusions:

"The proposed development will not affect the favourable conservation status of any local bat population. No signs of bats were associated with any element of the structures to be affected; no inaccessible crevice dwelling opportunities were identified."

"Wrens and blackbirds had previously nested within the former mill. Commencement of works would best be undertaken outside the nesting bird season [March - August]. Alternatively, the building should be made inaccessible or unsuitable for this purpose during the same period."

Given those comments, and taking into account that Natural England has not objected to the proposal, it is considered that the development is acceptable in ecology terms, subject to a condition to ensure that the works are undertaken in accordance with the recommendations of the ecology report.

Residential amenity

There are no other residential properties located close to the application site, with the nearest property being used for commercial purposes. With that in mind, it is considered that no amenity issues would arise from the proposed dwelling.

Appropriate Assessment

The nature of this application and its location within 10 kilometres of the Pebblebed Heaths. Their European Habitat designations 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 these designations. 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 work 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.

CONCLUSION

It is clear from the details above that neither the Local Plan nor the NPPF provide support for the principle of the proposal, despite the proximity of the site to the applicant's work place. Policies in the Local plan seek to direct new residential development to locations within, or at the edge of existing settlements and this proposal is neither in or near a settlement and as such is in an unsustainable location.

Whilst the proposal would bring the building back into use, this could equally be achieved through its continued lawful business use.

Consequently, notwithstanding that the proposal is considered acceptable in all other regards, it is recommended that this application is refused.

RECOMMENDATION

REFUSE for the following reasons:

1. The site is located in the open countryside, outside of any built up area boundary defined within the East Devon Local Plan, where residential development is restricted. The proposed development by reason of its unsustainable location in the countryside, remote from essential services and facilities required for daily living, would result in an unsustainable form of development with reliance upon the use of the motor vehicle to access the services. Consequently, the proposal would be contrary to the provisions of Strategy 7 (Development in the Countryside), and Policies D8 (Re-use of Rural Buildings Outside Settlements) and Policy TC2 (Accessibility of New Development) of the East Devon Local Plan

2013-2031, in addition to the guidance within the National Planning Policy Framework.

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 proactively and positively with the applicant to attempt to resolve the planning concerns the Council has with the application. However, the applicant was unable to satisfy the key policy tests in the submission and as such the application has been refused.

Plans relating to this application:

AMENDED	Flood Risk Assessment	29.10.20
ecological impact assessment	Justification Statement	01.06.20
	Structural Survey	25.06.20
PA 07 : SOUTH	Proposed Elevation	01.06.20
PA 09 : WEST	Proposed Elevation	01.06.20
PA 13: GROUND	Proposed Floor Plans	01.06.20
PA 15 : FIRST	Proposed Floor Plans	01.06.20
PA 11 B	Proposed Elevation	20.01.21
PA 01 B	Location Plan	20.01.21
PA 03 B	Proposed Block Plan	20.01.21
PA 17 B	Proposed roof plans	20.01.21
PA 18 B	Sections	20.01.21
PA 31 B	Perspective Drawing	20.01.21

List of Background Papers

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