

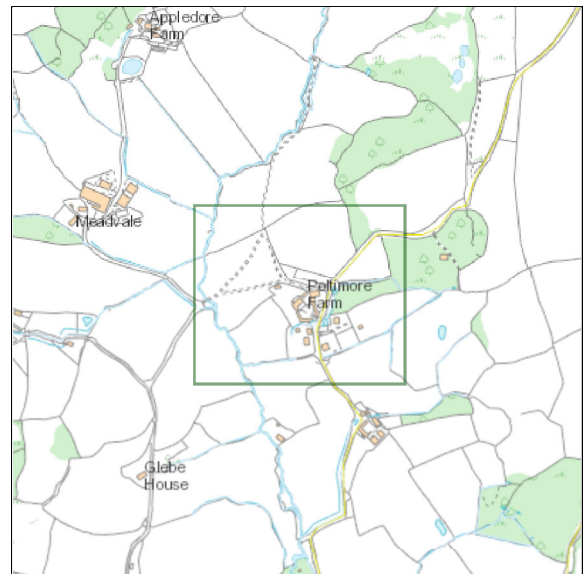
Ward Coly Valley

Reference 18/2782/FUL

Applicant Miss Jess Huffman

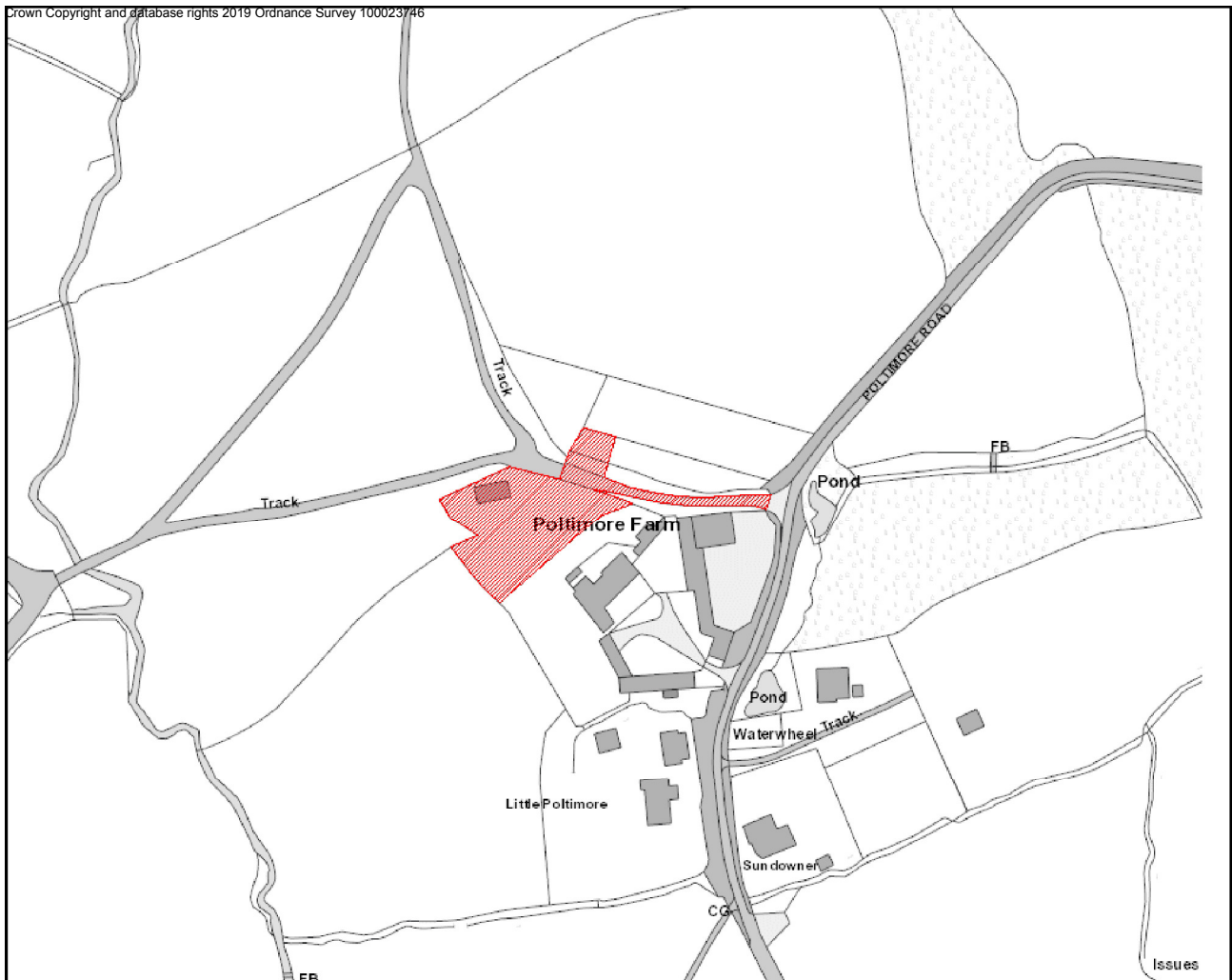
Location The Cabin Poltimore Farm Farway Colyton
EX24 6EJ

Proposal Demolition of existing dwelling and erection of
replacement dwelling.



RECOMMENDATION: Approval with conditions

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		Committee Date: 2nd April 2019
Coly Valley (FARWAY)	18/2782/FUL	Target Date: 30.01.2019
Applicant:	Miss Jess Huffman	
Location:	The Cabin Poltimore Farm	
Proposal:	Demolition of existing dwelling and erection of replacement dwelling.	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before the Development Management Committee as the applicant is a member of staff at East Devon District Council.

This application relates to a property known as The Cabin, which is located within the curtilage of Poltimore Farm, near Farway, within the East Devon Area of Outstanding Natural Beauty (AONB). Poltimore Farm is a grade II* listed building, and some of the associated outbuildings are grade II listed structures. The site is in a rural location outside of any built-up area boundary. Planning permission is sought for the demolition of the existing dwelling, and the construction of a replacement dwelling.

The existing structure was granted a certificate of lawfulness as a dwelling under application 17/1406/CPE. Therefore, the key local plan policy to consider the principle of the proposal is H6 (Replacement of Existing Dwellings in the Countryside). It is considered that the proposal meets the criteria of this policy and, therefore, the proposal is acceptable in principle.

A previous application (18/1576/FUL) for the same proposal was withdrawn following concerns raised by Historic England and the Council's Conservation Officers, relating to the impact on Poltimore Farm. Both Historic England and the Council's Conservation Officers have indicated that the proposals now under consideration are acceptable in terms of the impact on the listed buildings.

The proposal would be screened from most directions and, therefore, would not have a detrimental visual impact on the AONB. The same screening, and the distance from other properties, would ensure that the proposal would not be detrimental to the amenity of the occupiers of other dwellings.

The Council's Tree Officer has confirmed that the development is acceptable from an arboricultural perspective. However, it is recommended that a pre-commencement condition to secure a Tree Protection Plan and an Arboricultural Method Statement is imposed, as the details currently submitted are not sufficient.

The Ecological Report confirms that the proposal is acceptable in that regard. However, it is considered reasonable to impose a condition to ensure that the works are undertaken in accordance with the mitigation and enhancement measures detailed in the Ecological report.

Access to the site would be via an existing entrance into the site. As the proposal would not result in an increase in the intensity of the use of the site, it is considered that this is acceptable and would not result any highway safety issues. The County Highway Authority has not objected to this proposal.

Given the above, it is recommended that this application is approved.

CONSULTATIONS

Local Consultations

Parish/Town Council – 11/01/19

The Parish Council are pleased with the changes that have been made following comments about the size of the proposed dwelling and materials used which were made on the first application.

Technical Consultations

EDDC Trees – 14/01/19

Although I have no objection in principle to the development and agree that the only trees worth protecting are T1, T7 and T8, however there is further information required

-

- 1 - A detailed tree site plan to go with the survey
- 2 - A detailed plan of the TPP/AMS for the 3 trees
- 3 - The foul drain appears to go close to T8, is this within the RPA if so it requires adjustment
- 4- A landscape plan to show details of replacement trees for those removed

Further comments:

I have read and considered the new information and what is supplied is acceptable, however a TPP plan was requested which can then be conditioned, the details have been submitted in a written form but not on a plan form as requested

Further comments:

The submitted information has not provided a suitably detailed tree protection plan or arboricultural method statement. Should the application go for approval, then it will

need to be subject of a pre-commencement condition to provide a tree protection plan, arboricultural method statement and make provision for arboricultural site monitoring.

Conservation – 07/01/19

CONSULTATION REPLY TO PLANNING EAST
PLANNING APPLICATION AFFECTING LISTED BUILDING

ADDRESS: The Cabin Poltimore Farm, Farway

GRADE: Adj II* APPLICATION NO: 18/2782/FUL

PROPOSAL: Demolition of existing dwelling and erection of replacement dwelling

BRIEF DESCRIPTION OF HISTORIC CHARACTER/ ARCHITECTURAL MERIT:

See listing description and information on file. This detached 'Bungalow', originally a mobile home, is located to the north west of Poltimore Farm a Grade II* listed building which is a remarkable survival of a traditional lowland Devon farmhouse. The 'Bungalow' is timber with a pantiled cladding to the roof. Aesthetically, it sits uncomfortably within the landscape, originally an orchard and still with some fruit trees, as shown on the 1889/90 OS map.

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

A recent application under 18/1576/FUL was withdrawn following comments from Historic England and other consultees. This application seeks to address those comments and is for the replacement of the 'Bungalow' with a new dwelling of contemporary design. Whilst the overall design with timber cladding, reclaimed slate roof, timber windows and doors and stone plinth is very similar, the actual building has been reduced in height and depth to provide a more linear and stream lined scheme.

The new dwelling is still designed to be set into the slope of the land, and the use of traditional materials to resemble an agricultural building. In conjunction with the proposed alterations to the glazing, timber trellis, the new hedge and orchard planting it is considered that it will be relatively well screened in relation to its close proximity to the Grade II* listed farmhouse.

The reduction of the steeply pitched roof of the new dwelling now makes it far less prominent within the landscape and therefore the impact on the setting of the farmhouse is also reduced. Further details including a Statement of Significance is included within the application, and this addresses many of the previous concerns in line with the relevant paragraphs of the NPPF. No further comments.

PROVISIONAL RECOMMENDATION - PROPOSAL
ACCEPTABLE

SUGGESTED CONDITIONS: materials

Historic England – 18/12/18

Thank you for your letter of 12 December 2018 regarding the above revised application for planning permission. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

Historic England Advice

Described within the listing as a 'remarkable survival' and 'one of the best examples of a traditional lowland Devon farmhouse', Poltimore Farm and its surrounding outbuildings form a fascinating and most attractive group in a beautiful setting. The house is thought to date from the 15th century, perhaps earlier, and was much improved in the two subsequent centuries with a particular phase of remodelling dating from 1583 under the then owner, Thomas Haydon.

The grade II* house lies on the north west side of a courtyard of farm buildings, predominantly dating from the 18th and 19th centuries, all well maintained and in use and listed in their own right at grade II.

Poltimore Farm is clearly a noteworthy example of an historic lowland farmstead and therefore of substantial historic and aesthetic value. It also provides considerable evidence, in terms of the remarkable survival of its interior layout and features about the vernacular architecture of this part of Devon but also of the evolution of isolated farmsteads from the medieval era to today. The courtyard layout of house and associated barns is not only highly attractive but provides a high quality, visually complete and historically appropriate setting for the house.

This application relates to a small, single storey chalet type building which lies within the orchard to the north west of the farmhouse. The building benefits from a Certificate of Lawfulness which was granted in 2013. The extant building is considered to be neither of architectural merit nor useful and therefore the proposal is to replace it with a contemporary, timber clad building of one and a half storeys.

Historic England was consulted on a scheme for the construction of this new building in August this year at which time we were content with the principle of the replacement of the cabin with a new, purpose designed and built, contemporary structure. However we were concerned that the scale and massing of the building was significantly greater than the current building and therefore the impact on the setting of the farmhouse and would be considerably increased. We suggested that a more low, linear form with a narrower footprint would result in a more discreet building of an agricultural scale and character befitting this highly sensitive location. This scheme was subsequently withdrawn.

The amended scheme illustrates a slight slackening of roof pitch and a lowering of ridge height by just under a metre. The depth of the building has also been reduced by approximately a metre and the length increased by the same amount. The internal layout has been altered so that the bedroom sits to the east of the ground floor with office accommodation upstairs. The second bedroom and bathroom has been omitted from the scheme. This has resulted in a more linear structure which sits lower in the landscape. Whilst there is still a large amount of glazing within the building, the lower ridge level will reduce the impact of this on the adjacent listed building and further timber screening and planting along the south elevation will help to diffuse any light

spill. Notwithstanding the above, we would encourage the applicant to increase the native planting and reinstate an orchard to the south and east of the site, as is described within the application.

Recommendation

Historic England has no objection to this amended scheme on heritage grounds. We consider that the application now meets the requirements of the NPPF, in particular paragraph numbers 127, 189 and 192.

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

Your authority should take these representations into account in determining the application. If there are any material changes to the proposals, or you would like further advice, please contact us. Please advise us of the decision in due course.

Other Representations

One letter of support for the proposal has been received stating that such development should be allowed to retain young people in the valley.

PLANNING HISTORY

Reference	Description	Decision	Date
09/0645/FUL	Retention of tiled roof over caravan with timber clad porch and conservatory/storage area (renewal of 02/P2042)	Approval with conditions	27.05.2009
17/1406/CPE	Certificate of lawfulness sought for the substantial completion of a building and its residential use as a dwellinghouse	CPE Approved	18.10.2017
18/1576/FUL	Demolition of existing dwelling and erection of replacement dwelling	Withdrawn	19.09.2018

POLICIES

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

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 49 (The Historic Environment)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

H6 (Replacement of Existing Dwellings in the Countryside)

EN8 (Significance of Heritage Assets and their setting)

EN9 (Development Affecting a Designated Heritage Asset)

TC7 (Adequacy of Road Network and Site Access)

Government Planning Documents

NPPF (National Planning Policy Framework 2019)

Site Location and Description

This application relates to a property known as The Cabin, which is located within the curtilage of Poltimore Farm, near Farway. The building is constructed mainly from timber, and is situated to the north-east of the aforementioned farm. There is a hedge/trees to the north of the building, and a track which is a public right of way beyond that. Access to the site is off this track which, in turn, joins a minor public road to the east of the farm which is known as Poltimore Road.

Poltimore Farm is a grade II* listed building, and some of the associated outbuildings are grade II listed structures. The site is within the East Devon Area of Outstanding Natural Beauty (AONB), and is in a rural location outside of any built-up area boundary. Neighbouring properties are situated to the south and south-east of the site. However, these do not immediately adjoin the proposal site.

Proposed Development.

Planning permission is sought for the demolition of the existing dwelling, and the construction of a replacement dwelling. Vehicular access would be as existing with a nearby barn used for car parking serving the development.

ANALYSIS

The key considerations in the determination of this application are the principle of the development, impact upon listed buildings; impact upon the AONB and countryside; impact upon trees and impact upon wildlife.

These are addressed in turn below.

The principle of the development

The proposal relates to the replacement of an existing dwelling in the countryside. Therefore, the key Local Plan policy in determining the principle of the proposal is Policy H6 (Replacement of Existing Dwellings in the Countryside). This policy sets out the following criteria which must be met in order for a replacement dwelling in the countryside to be acceptable:

- A. There is an existing, permanent, habitable dwelling located on the site, which is not a dwelling specifically granted planning permission under the agricultural or forestry exceptions policy.
- B. The replacement dwelling is located on, or adjacent to, the footprint of the existing dwelling, or elsewhere within the curtilage of the building where a clear planning or environmental benefit will be achieved.
- C. The replacement dwelling does not detract from the appearance and character of the landscape, and within the East Devon and Blackdown Hills Areas of Outstanding Natural Beauty harm the natural beauty of the landscape.
- D. The dwelling to be replaced is not of architectural importance (whether Listed or not) or important in terms of contributing to landscape character or quality or local distinctiveness.

With regard to those criteria, the following observations are made:

- A. Application 17/1406/CPE sought to confirm that the building subject to this application is a lawful dwelling. That application was approved. Therefore, the existing dwelling on the site is lawful without any occupancy conditions. The proposal therefore meets this criteria.
- B. The proposed dwelling would be situated on the same site as the existing dwelling.
- C. This is assessed below.
- D. The building in question is not of architectural importance. The impact upon the nearby listed buildings is assessed below.

Subject to the proposal having an acceptable impact upon the AONB and surrounding listed buildings, it is considered that the proposal is acceptable in principle.

The impact of the proposal on the listed buildings

The previous application (18/1576/FUL) was withdrawn following concerns raised by Historic England and the Council's Conservation Officers. Whilst a contemporary design was considered acceptable, the concerns related, in particular, to the height and massing of the proposed building, which was to be significantly greater than the existing building. Consequently, the impact on the listed farmhouse would have been considerable.

However, the amended scheme which is the subject of this application is viewed differently by Historic England who, in confirming that they have no objection to the proposal, state the following:

"The amended scheme illustrates a slight slackening of roof pitch and a lowering of ridge height by just under a metre. The depth of the building has also been reduced by approximately a metre and the length increased by the same amount. The internal layout has been altered so that the bedroom sits to the east of the ground floor with office accommodation upstairs. The second bedroom and bathroom has been omitted from the scheme. This has resulted in a more linear structure which sits lower in the landscape. Whilst there is still a large amount of glazing within the building, the lower ridge level will reduce the impact of this on the adjacent listed building and further timber screening and planting along the south elevation will help to diffuse any light spill. Notwithstanding the above, we would encourage the applicant to increase the native planting and reinstate an orchard to the south and east of the site, as is described within the application."

The Council's Conservation Officer has expressed similar views, and has also stated that the proposed planting would ensure that the proposal would be relatively well screened from the listed building.

Given the above, subject to the imposition of a condition seeking details of the materials and planting, it is considered that the proposal is acceptable in terms of its impact on listed buildings, in compliance with policy EN9 (Development Affecting a Designated Heritage Asset) of the Local Plan, as well as guidance contained within the National Planning Policy Framework.

The impact of the proposal on the AONB and countryside

The proposed building would be located on the eastern side of a valley and, consequently, the most open view of the site are from the west. From that direction, however, the existing building is almost completely screened by trees. The proposed building would be higher than the existing, but a large amount of it would be screened by the aforementioned trees. Given, this provided that suitable materials are used (which can be considered through the condition referred to above), it is considered that the proposal would have a minimal impact on the AONB when viewed from the west. From other directions, the proposed building would be screened by a combination of the topography of the area, trees or existing buildings around the site.

Given the above, it is considered that the proposal would have a minimal impact on the AONB or countryside and, therefore, is acceptable in that regard. However, to ensure that any boundary treatments and planting are suitable for this location (particularly given the comments from Historic England), it is considered reasonable and necessary to impose a condition seeking details of a landscaping scheme (shown on the proposed plan as a new orchard).

The impact of the proposal on trees

The proposal is considered to be sustainable in terms of its impact on trees. However, the Council's arboriculturalists have confirmed that a Tree Protection Plan and Arboricultural Method Statement are required prior to any works commencing. Therefore, a condition is required in order to secure this information, as the details

currently submitted in this regard are not considered to be acceptable. The applicant has agreed to such a condition being imposed on a pre-commencement basis.

The impact of the proposal on wildlife

An Ecological Impact Assessment Report was submitted with the application. That report notes that there was some evidence of bats in and around the building. However, despite this, the report concludes that, subject to obtaining the necessary licences the works could be undertaken without causing harm to bats or any other protected species. With this in mind, it is considered that the proposal is acceptable in this regard, as its impact on protected species or other wildlife would be minimal. However, the Ecological report does list a number of mitigation and enhancement measures which should be undertaken to ensure that this is the case. Therefore, in the event that this application is approved, it is considered reasonable to impose a condition to ensure that the works are undertaken in accordance with the aforementioned mitigation and enhancement measures.

Other matters

Access to the site would be via an existing vehicular entrance into the wider site with a new footpath provided to the dwelling that will benefit from two parking spaces in a nearby barn. As the proposal would not result an increase in the intensity of the use of the site, it is considered that this is acceptable and would not result any highway safety issues. It is notable that the County Highway Authority has not objected to this proposal.

It is considered that the proposal is a sufficient distance from the neighbouring property, and would replace an existing dwelling so no amenity loss beyond that which may already exist would arise.

It is noted that the curtilage related to the proposed dwelling would be larger than that which was within the red line associated with application 17/1406/CPE. However, as the additional land in question is already part of the garden of Politmore Farm, its use is not changing and this does not raise any concerns, particularly as this area is proposed to be planted for the new orchard to help mitigate the visual impact from the development.

CONCLUSION

The application follows the grant of a Certificate of Lawfulness for the unrestricted use of the existing building as a dwelling, and a withdrawn application for a replacement dwelling that was considered to be too large with a detrimental impact upon the nearby listed buildings.

This current application proposes a small dwelling at a lower height to address the previous concerns. Historic England and the Council's Conservation Officer now being happy with the scale of building proposed.

Given the suitable scale and design, and given that the proposal will not have a detrimental impact upon the visual amenity of the AONB, the proposal is considered

to be acceptable and complies with Policy H6 of the Local Plan that allows replacement dwellings in the countryside subject to compliance with a number of criteria.

Subject to conditions the proposal will have an acceptable impact upon trees and wildlife and benefits from a suitable access and parking provision.

As the concerns raised as part of the previous application have been addressed, the application is acceptable and recommended for approval subject to conditions.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. Prior to the commencement of any works on site (including demolition and site clearance or tree works), a Tree Protection Plan (TPP) and an Arboricultural Method Statement (AMS) for the protection of all retained trees, hedges and shrubs, shall be submitted to and approved in writing by the Planning Authority. The development shall be carried out in accordance with the approved details. The TPP and AMS shall adhere to the principles embodied in BS 5837:2012 and shall indicate exactly how and when the trees will be protected during the development process.
Provision shall be made for the supervision of the tree protection by a suitably qualified and experienced arboriculturalist and details shall be included within the AMS.
The AMS shall provide for the keeping of a monitoring log to record site visits and inspections along with: the reasons for such visits; the findings of the inspection and any necessary actions; all variations or departures from the approved details and any resultant remedial action or mitigation measures. On completion of the development, the completed site monitoring log shall be signed off by the supervising arboriculturalist and submitted to the Planning Authority for approval and final discharge of the condition.
(Reason - A pre-commencement condition is required to ensure retention and protection of trees on the site during and after construction. The condition is required 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 and D3 - Trees and Development Sites of the Adopted East Devon Local Plan 2013-2031.)
4. The works hereby permitted shall be undertaken in accordance with the Evaluations and Recommendations, and the Ecological Mitigation and Enhancements, detailed in the submitted Ecological Impact Assessment (EclA) Report, produced by Colmer Ecology Ltd and dated August 2018.

(Reason - To ensure that the proposal does not result in harm to any protected species, and in order to comply with Policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan 2013-2031 of the East Devon Local Plan 2013 - 2031, as well as guidance contained within the National Planning Policy Framework 2019).

5. Before development above foundation level is commenced, a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external walls and roofs of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

6. No development above foundation level shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority; such a 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. The landscaping scheme shall be carried out in the first planting season after commencement of the development 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.

(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 and D2 - Landscape Requirements of the Adopted East Devon Local Plan 2013-2031.)

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

EIA August 2018	Ecological Assessment	05.12.18
2018-01 A	Location Plan	05.12.18
2018-06 A	Proposed Site Plan	05.12.18

2018-07 A	Proposed Floor Plans	05.12.18
2018-08 A	Proposed Floor Plans	05.12.18
2018-09 A	Proposed Elevation	05.12.18
2018-10 A	Proposed Elevation	05.12.18
2018-11 A	Proposed Combined Plans	05.12.18

List of Background Papers

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