

Ward Coly Valley

Reference 22/0757/FUL

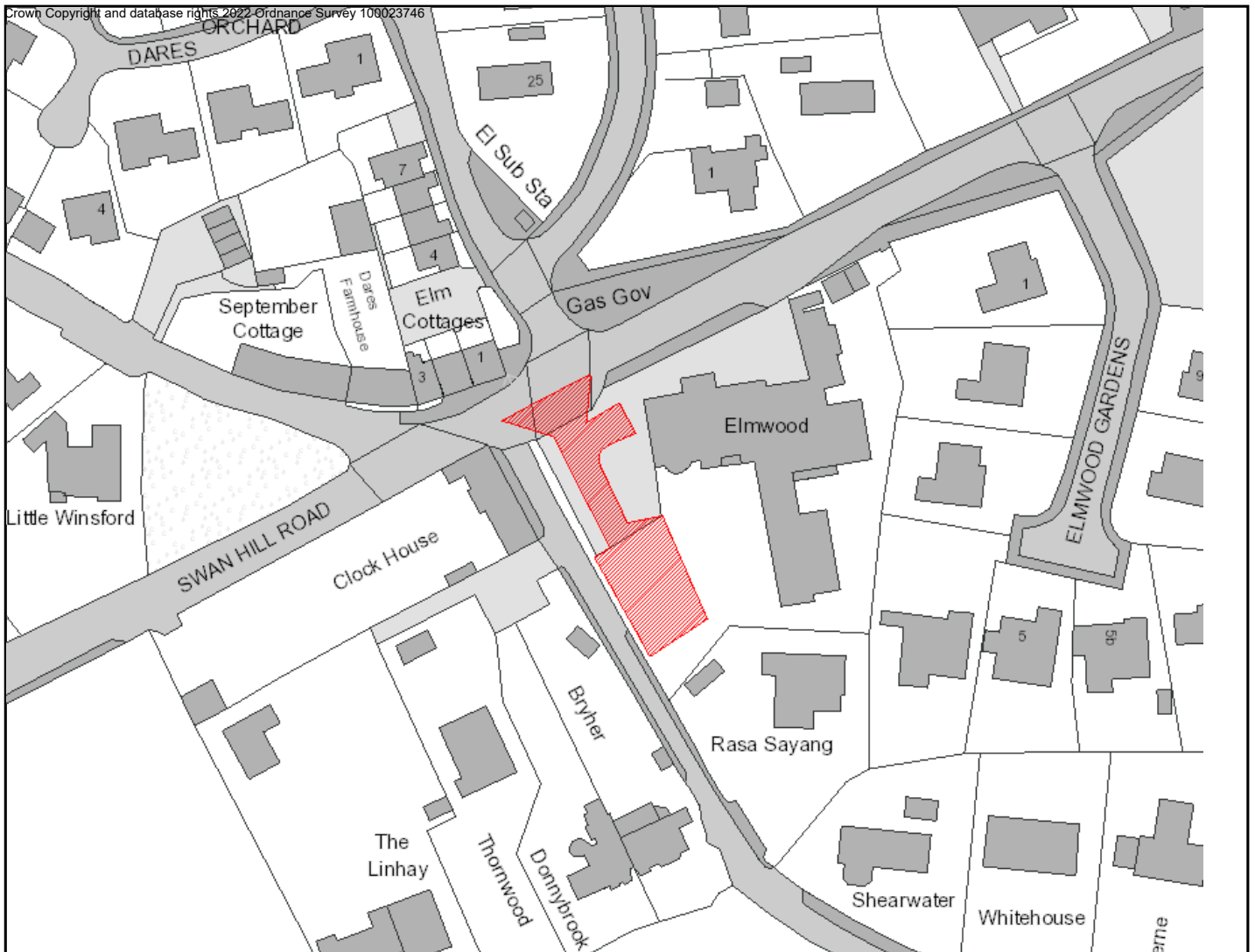
Applicant Mr Soroosh Sadeghi

Location Elmwood Residential Home Swan Hill Road
Colyford Devon EX24 6QJ

Proposal Proposed staff accommodation.



RECOMMENDATION: Approval with conditions



		Committee Date: 26th July 2022
Coly Valley (Colyton)	22/0757/FUL	Target Date: 02.06.2022
Applicant:	Mr Soroosh Sadeghi	
Location:	Elmwood Residential Home Swan Hill Road	
Proposal:	Proposed staff accommodation.	

RECOMMENDATION: Approve subject to conditions

EXECUTIVE SUMMARY

The application is before committee as the development proposed represents a departure from policies of the development plan and has been advertised as such.

Permission is sought for a small unit of accommodation primarily to provide staff accommodation for workers employed in the care home business operating from the site but where flexibility of use is sought to allow alternative use by care home residents or for other ancillary purposes.

Colyford is not a settlement that has a built-up area boundary defined by the adopted Local Plan and nor is one currently proposed in the emerging Local Plan. The application site is therefore not in a location where policies of the Local (or Neighbourhood Plan) seek to support residential development. However, the unit proposed is located within the curtilage of the Care home that operates from the wider site and is closely related to it. The applicant advises that the additional staff accommodation is required to enable the recruitment and retention of appropriate staff, particularly those from outside the local area who have restricted access to local affordable homes.

The accommodation is primarily proposed to allow a care home manager/deputy manager to live on site to provide increased levels of support to deal with issues and emergencies as they arise but flexibility in the use of the accommodation is sought to allow it to be used for alternative purposes linked to the care home, should circumstance change. Although an unrestricted use in this location is not considered appropriate due to the lack of services and facilities available to support everyday needs, this is not a remote or isolated location and a restricted residential use tied to the business, as proposed, would result in limited harm and where any such harm would be outweighed by the benefits to the business.

The proposal is small in scale and not prominent in views from within the conservation area. The building would be read as an outbuilding to the principal

building on site and through the use of matching materials and appropriate detailing, which can be secured by condition, would preserve the character and appearance of the surrounding conservation area.

The existing mature trees on the western boundary of the site and which are subject of a Tree Preservation Order can be retained and suitably protected from the impacts of development by an appropriately worded condition

In other regards including impact on residential amenity and access proposals the scheme is found to be acceptable and is recommended for approval.

CONSULTATIONS

Local Consultations

Parish/Town Council

The Colyton Parish Council would like to support this application.

Technical Consultations

Conservation

This modest sized dwelling sits well back from the historic Roman road and is viewed as within the garden setting of the main house. Elmwood House appears on the 1888-1890 EDDC historic maps and to this day retains a generous verdant garden, or which adds significant interest to the character and appearance of the conservation area. The design and access statement identifies the main house as being a building of historical character; "other key buildings and building groups of architectural importance or which make a significant contribution to the townscape". This in part, can be appreciated by the distinctive architectural features such as the bay windows and the associated quality of the vernacular materials.

In principle this is supported. However, the use of Upvc for the windows, soffit, fascia and rainwater goods is considered to be unsympathetic, not only within the setting of the principle historic house, but the character and setting of the conservation area. It is suggested that materials can be as a condition of any approval.

EDDC Trees

The submitted arboricultural information demonstrates that by implementing the proposed tree protection measures, shown on the tree protection plan, and following the processes described in the associated arboricultural method statement, the proposed development can be carried out without significant impact on the retained trees.

I am satisfied on arboricultural grounds with the condition to be -

Prior to commencement of any works on site (including demolition), Tree Protection measures shall be carried out as detailed within the plans submitted within this application and shall adhere to the principles embodied in BS 5837:2012 and shall remain in place until all works are completed, no changes to be made without first gaining consent in writing from the Local Authority

Other Representations

1 no. representation received

This representation raises no in principle objection to the scheme subject to the appropriate protection of trees along the Pope Lane boundary both during and after completion of the proposed development.

PLANNING HISTORY

Reference	Description	Decision	Date
82/P1728	Change Of Use To Residential Home For The Elderly.	Approval with conditions	04.02.1983
84/P1302	Erection Of Extension To Provide A Total Of Four Rooms With En-Suite Bathrooms.	Approval with conditions	09.10.1984
85/P1574	Single Storey Extension.	Temporary Approval	04.01.1986
92/P0295	Provision Of External Staircase	Approval - standard time limit	01.04.1992
97/P1735	Change Of Use Of Second Floor [Attic] From Storage To Domestic Accommodation For Owner/staff	Refusal	15.01.1998
98/P0169	Renovation Of Attic Floor To Form Staff Accommodation	Approval with conditions	02.06.1998
99/P1165	Internal Alterations	Approval with conditions	26.08.1999
99/P2040	Extns & Alts To Form Additional Bedrooms,eight Sheltered Suites, Conservatories & Car Parking Area	Approval with conditions	28.02.2000

01/P1867	Minor Ammendment To Already Approved Scheme - Application Number 99/p2040	Approval with conditions	24.10.2001
02/P0124	New Corridor & Minor Internal Alterations To Form New Bedroom	Approval - standard time limit	20.03.2002
02/P0769	Extension & Alterations To Form Additional Bedroom	Approval - standard time limit	23.05.2002
03/P2567	Loft Conversion With Dormer Windows	Refusal	06.01.2004
06/3441/FUL	Proposed extension for 5 additional bedrooms and associated day room and W/C	Approval with conditions	05.07.2007
08/1958/FUL	Erection of extension to provide five additional bedrooms, associated dayrooms and facilities	Approval with conditions	12.09.2008
13/1947/FUL	Replacement of two bay windows	Approval - standard time limit	21.10.2013

POLICIES

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

Strategy 3 (Sustainable Development)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN10 (Conservation Areas)

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

H4 (Dwellings for Persons Employed in Rural Businesses)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Colyton Neighbourhood Plan (Made)

Government Planning Documents

National Planning Practice Guidance

NPPF (National Planning Policy Framework 2021)

Procedural matter

The application is considered as a departure from the development plan and has been advertised as such. This is on the basis that the application proposes residential development outside of a built-up area boundary or specific site allocation and where the proposal is not explicitly supported by another policy of the Local or Neighbourhood Plan.

Site Location and Description

The application site relates to an existing residential car home occupying a corner plot at the junction of Popes Lane with the A3052. The original building is of two storey height and has been variously extended to the northeast (road side) and southeast (rear) with both single storey and two storey extensions. There are car parking areas to the north and west of the building separated from the highway by stone boundary wall of varying height and accessed via a shared pedestrian and vehicular access in the northwest corner of the site. Beyond the western parking area to the south is the main garden area for the home, although there are other areas to the east of the site. The garden is largely laid to lawn with some planting beds and a number of ornamental trees and shrubs, a pergola is located centrally within this space. The boundaries of the garden area are formed by timber fencing to the south a line of mature trees and hedge planting to the west and post and wire fencing to the parking area. The trees on the western boundary are subject of an area Tree preservation Order including a number of trees of different species.

The site lies within the designated Conservation Area of the village but outside of any defined built-up area boundary and as such in planning terms falls to be considered as countryside

Background

As can be seen above there is an extensive planning history relating to changes of use and extensions to the care home.

In relation to provision of staff accommodation and justification for further accommodation the applicant has advised that there are currently two bed/sitting

rooms to accommodate staff on the attic floor of the main home and which both share kitchen and bathroom facilities. Original approval for this accommodation was granted under:

98/P0169 - Renovation of Attic Floor To Form Staff Accommodation

Alterations to the layout were subsequently approved under:

99/P1165 - Internal Alterations

Proposed development

The current proposal seeks to provide a self-contained unit of residential accommodation that would be sited within the existing garden area of the care home and which would be accessed via its car park and existing vehicular access. The unit is proposed as staff accommodation but the applicant has advised that they would wish to be able to utilise the accommodation flexibly so that in the event that it was no longer required for staff accommodation purposes it could be used for residents accommodation or other uses ancillary to the care home.

ANALYSIS

The main issues in the determination of the application are considered to be:

- The principle of development (including need and justification for the proposal)
- Design and Impact on the character and appearance of the conservation area
- Arboricultural Issues
- Amenity Impact
- Other issues

Principle of development

The development plan for the area consists of the East Devon Local Plan 2013-2031 (EDLP) and the Colyton Neighbourhood Plan 2020 – 2031 (CNP). The site lies within the village of Colyford but this does not benefit from a built-up area boundary and therefore is classed as open countryside outside any defined built-up area boundary and where Strategy 7 of the EDLP applies.

Strategy 7 is quite specific by stating,

‘Development in the countryside will only be permitted where it is in accordance with a specific Local or Neighbourhood Plan policy that explicitly permits such development’

And goes on to say,

‘and where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located’.

In terms of the EDLP, policy H4 potentially permits residential development in the countryside where this is to meet the essential need to house a rural worker at or near their place of work. The proposal is not related to agricultural, forestry or a person employed in a rural business activity and as such the policy is not considered to be relevant.

In this instance the applicant has been requested to provide additional information setting out the existing staff accommodation provided on site and the justification/need for additional accommodation. In response they have advised that, they are seeking to future proof the care home by providing appropriate accommodation for staff. They go on to advise that, the Care sector has severe recruitment problems, which have become more difficult since Brexit and that the proposed accommodation is part of our plan to ensure that the right staff can be attracted and retained. Given the disparity between the affordability of accommodation in the local area and typical salaries in the care sector this is understood.

It is further advised that the existing manager, who lives locally and works long hours, will be difficult to replace when she retires. It is advised that recruitment of staff has been very difficult and is likely to remain so and that the provision of accommodation would assist in future recruitment needs. It is suggested that given the nature of the care business that issues can arise 24/7 and which would require the manager's immediate attention. The provision of on-site manager's accommodation it is suggested would improve the ability to safeguard vulnerable residents.

Whilst the primary justification put forward for the use of the accommodation is as set out above the applicant has requested that any restrictions placed on the occupation of the unit allows some flexibility in its use, so that it could for example be used to provide two staff bed/sitting rooms or sheltered accommodation for one or two disabled occupants.

Policy Coly7 of the Colyton Neighbourhood Plan (CNP) sets out the criteria for development of new housing proposals within the defined built-up area boundary of Colyton but that is not relevant in this case as the site lies outside the boundary and where the CNP contains no specific policies relating to the provision of new residential development.

Policy Coly10 addresses employment uses and seeks to support proposals, '*...to provide employment opportunities in residential areas, including the creation of live-work units*' subject to a number of listed criteria. The proposal is not put forward as a 'live-work' unit but is intended to provide accommodation for a staff member(s) working at the care home, in this respect it would have a similar impact in terms of reduction in traffic movements.

Taking into account the above it is not considered that the proposal derives any direct support from relevant policies of either the Local of Neighbourhood Plan and as such would not comply with Strategy 7 of the EDLP.

However it remains to be considered whether there are other relevant considerations that otherwise might indicate the proposal should be supported. In terms of national

policy guidance this is contained in the National Planning Policy Framework (NPPF) and accompanying Planning Practice Guidance (NPPG).

Para. 47 of the NPPF confirms the Development Plan as the starting point for decision making and that applications for planning permission should be determined in accordance with it, unless material circumstances indicate otherwise. Para. 218 of the NPPF confirms that the framework (NPPF) is itself a material consideration.

Paras. 78 - 80 of the NPPF cover rural housing. In this regard paragraph 78 indicates that support should be given to developments that reflect local needs, placing particular emphasis on affordable housing; paragraph 79 states that in rural areas housing should be located where it would enhance and maintain the vitality of rural communities; and paragraph 80 seeks to restrict isolated homes in the countryside, setting out the circumstances in which their provision is acceptable.

In relation to paragraph 79 of the Framework, future occupants of the development could potentially provide support to the services found within Colyford, these include:

- Hourly bus service (885 Axminster - Seaton - Colyton - Beer)
- Leisure centre
- Less than hourly bus service (20 Seaton - Colyton - Honiton - Taunton)
- One convenience store/shop
- Post office
- Community hall
- Two pubs
- Sports playing pitch
- A 'selective' secondary school

The nearest settlements, Seaton and Colyton, do have built-up area boundaries and offer a wider range of services within a relatively short distance of the site and which can be accessed by alternative modes of transport including by bus/cycle. It is further recognised that in this instance with the proposal restricted to staff accommodation that traffic generation for work related journeys would be reduced and that the scale of the accommodation provided would only be suitable to accommodate an individual or a couple further reducing the potential traffic generation associated with its use.

Para. 84 requires planning policies and decisions to enable the sustainable growth and expansion of all types of business in rural area, whilst, in this instance the proposal is not specifically aimed at supporting the expansion or growth of the business, it would assist in helping to recruit and retain staff if suitable accommodation is provided.

The case put forward by the application is also considered to carry weight in terms of the difficulty in recruiting, low staff costs and the benefits to the business from further employees living on the site/serving the residents.

Taking all of the aforementioned into account, in this instance it is not considered that the development proposed receives the explicit support of any development plan policies as required by Strategy 7 of the Local Plan but that there are other material considerations that weigh in favour of the scheme and where the occupation of any

such accommodation could be strictly controlled by a condition to ensure its retention for use in association with the use of the care home.

Design and Impact on the character and appearance of the conservation area

The site lies within the designated Colyford conservation area and where the general duty of care set out at Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. This requirement to preserve or enhance conservation areas and their '*...setting or views in or out of...*' such areas is also set out within policy EN10 (Conservation Areas) of the East Devon Local Plan 2013-2031.

The proposed unit is single storey, small in scale and set back from the road frontage. Whilst it would not be prominent in the streetscene, views of it from the A3052 and across the car park to the north of the site would be afforded. In such views the proposal would appear as an ancillary and subservient addition to the main building on site.

The principal public view would be of the narrow north elevation of the building which would be finished in render under a natural slate roof, these materials would reflect those used on the care home. Whilst the western end of Elmwood and the building to the west (opposite side of Popes Lane) are recorded in the conservation area appraisal as key buildings the location of the proposed unit set back from the road frontage and the low overall height of the proposal would mean that views of these building would not be significantly impinged and their primacy would be retained within the immediate streetscene. As the boundary trees would also be protected and retained it is considered that the proposal would overall preserve the character and appearance of the conservation area and accord with policies D1 and EN10 of the EDLP.

Arboricultural Issues

The site of the proposed building is located in close proximity to mature trees of amenity value that are protected by a Tree Preservation Order (TPO). The proposal has the potential to cause harm to these trees as a direct result of the development or through impacts arising during the construction phase.

The application is accompanied by an arboricultural report which includes a Tree Protection Plan and Arboricultural Method Statement setting out how the trees would be protected and work carried out to minimise the potential for harm to occur. The Council's arboricultural team has considered the submitted details and are content that subject to work proceeding in accordance with those details that the proposed development can be carried out without significant impact on the retained trees. Therefore subject to an appropriate condition to secure this the proposal can be considered to meet the requirements of policy D3 of the EDLP.

Amenity Impact

The site of the development is within the grounds of the existing care home and set off the boundary with the neighbouring residential property to the south, 'Rasa Sayang'. Given the single storey nature of the proposal, the separation distance to the neighbour and its proposed use related to that of the care home it is not considered that the proposal would give rise to any harmful impact to adjoining residents. To the west the site is separate from the nearest neighbors by Popes Lane and where the existing trees provide screening of views from and of the unit, again no significant amenity harm would result. The proposal is considered to be acceptable in relation to policies D1 of the EDLP and Coly10 of the CNP insofar as these relate to amenity impacts.

Other Issues

Accessibility - Policy TC2 of the Local Plan (Accessibility of New Development) is also relevant, it states that,

'New Development should be located so as to be accessible by pedestrians, cyclists and public transport and also well related to compatible land uses so as to minimise the need to travel by car'

In this instance, the site is located within the physical context of the village of Colyford which does contain a limited number of services and facilities including shop/post office, public houses, café, secondary school, village hall and bus services. The location is not isolated but future residents would need to travel to nearby settlements Seaton, Colyton or beyond to access the full range of services required for everyday living. Although it is recognised though that as staff accommodation the proposal would result in reduced trip generation for journeys to work, these are likely to be offset by other non-work related journeys.

CONCLUSION

The proposal would provide additional staff accommodation for persons employed in the care home business and although the proposed unit is self-contained and is capable of independent occupation its occupation can be controlled by condition. In this regard although the site is located outside of a defined settlement boundary, where new residential development is generally restricted on sustainability grounds, in this instance trip generation would be reduced due to the relationship with the care home and the site is located in a village which does have some services and facilities, where there is a regular bus service and where there are options to access nearby settlements by other alternative modes of transport. Whilst some additional trips by private transport may occur the harm arising would be limited and less than that related to a new unrestricted dwelling. This limited harm when balanced against the benefits to the business are considered to be outweighed.

As the proposal is considered to result in no harm in other regards, or where any impacts could be satisfactorily addressed by appropriately worded conditions, the proposal is considered to be acceptable and is recommended for approval.

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. Notwithstanding the details indicated on approved drawing no. E1c all windows, doors, soffits and fascia shall be constructed in wood and shall be painted in a colour to be previously agreed in writing by the Local Planning Authority. (Reason - To ensure that the materials are sympathetic to the character and appearance of the area in accordance with policies D1 - Design and Local Distinctiveness and EN10 - Conservation Areas of the Adopted East Devon Local Plan 2013-2031.)
4. The roofs of the building hereby permitted shall be covered in natural slate. No development above foundation level shall take place until samples of the roofing material to be used for the proposed development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved samples (Reason - To ensure that the materials are considered at an early stage and are sympathetic to the character and appearance of the area in accordance with Policy D1 - Design and Local Distinctiveness and EN10 - Conservation Areas of the Adopted East Devon Local Plan 2013-2031.)
5. Prior to commencement of any works on site (including demolition), tree protection measures, as detailed in the Arboricultural Report letter and accompanying Tree Protection Plan and Arboricultural Method Statement , provided by Advanced Arboriculture and dated 4th April 2022, shall be carried out and shall adhere to the principles embodied in BS 5837:2012. Such measures shall remain in place until all works are completed, with no change to be made without prior written approval of the Local Planning Authority. Provision shall also be made for supervision of tree protection by a suitably qualified and experienced arboricultural consultant and a monitoring log shall be kept 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.

In any event, unless where otherwise allowed for in the aforementioned approved details, the following restrictions shall be strictly observed:

(a) No burning shall take place in a position where flames could extend to within 5m of any part of any tree to be retained.

(b) No trenches for services or foul/surface water drainage shall be dug within the crown spreads of any retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority. All such installations shall be in accordance with the advice given in Volume 4: National Joint Utilities Group (NJUG) Guidelines For The Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2) 2007.

(c) No changes in ground levels or excavations shall take place within the crown spreads of retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority.

(Reason - To ensure retention and protection of trees on the site during and after construction. The condition is required in 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.)

6. The unit of accommodation hereby approved shall be used only in association with the operation of the care home business occupying the site edged blue on drawing no. LP1A and its occupation shall be restricted to one of the following purposes:

(i) by a person or persons solely or mainly employed in the care home business or any resident dependants;

(ii) by a person or persons who are residents of and in receipt of care from the care home business

(iii) for other non-residential purposes ancillary to the use of the site as a care home

(Reason - The accommodation is only justified by the needs of the business and should remain available for those purposes and where the benefits of such provision are considered to outweigh the harm arising from the unsustainable location of the site, in accordance with Strategies 3 - Sustainable Development, 5B - Sustainable Transport & 7 - Development in the Countryside and policy TC2 - Accessibility of New Development 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:

LP 1A	Location Plan	07.04.22
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BPP 1A	Block Plan	05.04.22
S 1A	Sections	05.04.22
E1C	Proposed Elevation	05.04.22
FP 2E	Proposed Floor Plans	05.04.22

List of Background Papers

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