

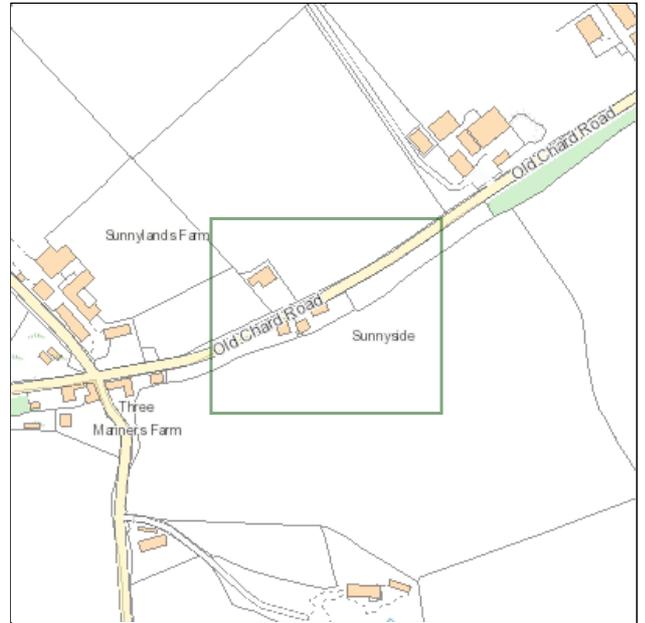
Ward Dunkeswell And Otterhead

Reference 22/1238/OUT

Applicant Mr N Warburton

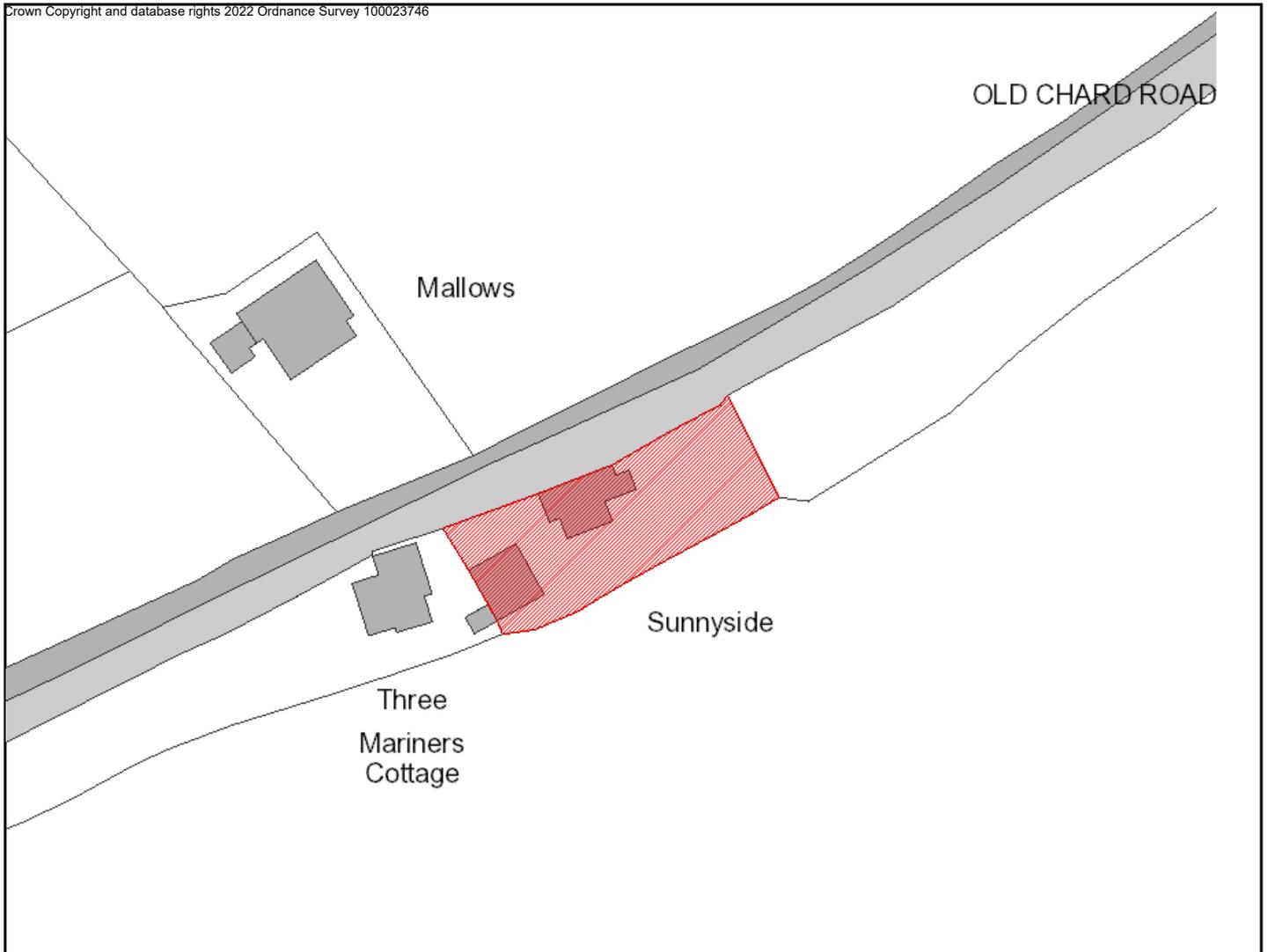
Location Sunnyside Cotleigh Honiton EX14 9HP

Proposal Outline application with all matters reserved for the demolition of existing cottage and replacement with new.



RECOMMENDATION: Approval with conditions

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| | | Committee Date: 30th August 2022 |
| Dunkeswell And Otterhead (Cotleigh) | 22/1238/OUT | Target Date: 31.08.2022 |
| Applicant: | Mr N Warburton | |
| Location: | Sunnyside Cotleigh | |
| Proposal: | Outline application with all matters reserved for the demolition of existing cottage and replacement with new. | |

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

The application is before Members as the comments of the Ward Member conflict with the officer recommendation.

The proposal seeks outline consent for construction of a replacement dwelling house with all matters reserved for future consideration. An indicative layout has been submitted as part of this application which demonstrates how the new dwelling can be accommodated on the site. The development is proposed to take place outside the built – up area boundary and within the designated Blackdown Hills Area of Outstanding Natural Beauty.

As the proposed dwelling would be situated outside of the boundary of any settlement, it falls to be considered against Strategy 7 (Development in the Countryside) of the adopted East Devon Local Plan (2013-2031), unless explicitly permitted by another policy of the Local or (where relevant) Neighbourhood Plan. In this instance, there is already a residential dwelling on the site and Policy H6 (Replacement of Existing Dwellings in the Countryside) of the adopted East Devon Local Plan (2013-2031) facilitates the replacement of existing dwellings in the countryside.

In light of this, the proposed development is considered to be acceptable, subject to appropriate design, materials, form and treatment of fenestration, and adequate wildlife protection measures.

Taking everything into account and the relevant planning policies a recommendation of approval is made.

CONSULTATIONS

Local Consultations

Dunkeswell And Otterhead - Cllr David Key

I object to the demolition of this property as it is part of the street scene of this Village adjacent to the road, as the site is very narrow there is very little room to move it back from the road towards the boundary hedge. The whole site is very long and narrow.

Blackdown Hills AONB Project Partnership

Thank you for seeking observations from the Blackdown Hills AONB on this application.

The AONB Partnership supports its local planning authorities in the application of national and local planning policy in order to ensure that any development in the AONB conserves and enhances the natural beauty of this nationally designated landscape. In support of this, the Blackdown Hills AONB Management Plan 2019-24 is the agreed policy framework for conserving and enhancing the AONB and seeks to ensure that all development affecting the AONB is of the highest quality. It contains the following policy of particular relevance to development proposals:

Planning and development PD2

All necessary development affecting the AONB will conserve and enhance natural beauty and special qualities by:

- Respecting landscape character, settlement patterns and local character of the built environment,
- Being sensitively sited and of appropriate scale,
- Reinforcing local distinctiveness, and
- Seeking to protect and enhance natural features and biodiversity

While it is considered that this outline application with all matters reserved is one for the local planning authority to determine based on satisfying the policy requirements for replacement dwellings in the countryside, the design of the replacement will however be critical in whether this proposal will contribute to conserving and enhancing the AONB. The simplicity of the current dwelling and the roadside setting is very typical of the Blackdown Hills, and the design of a replacement should reflect that in terms of materials, scale, orientation and siting within the plot.

Environmental Health

I have considered the application and note that this site is close to nearby residents who may be impacted during the construction process. Demolition & construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site. We would request the applicant to consult and follow the council's Construction Sites Code of Practice prepared by Environmental Health and adopted by the council in

order to ensure that any impacts are kept to a minimum. This is available on the council's website.

Conservation

CONSULTATION REPLY TO PLANNING EAST TEAM PLANNING APPLICATION AFFECTING SETTING OF LISTED BUILDING

ADDRESS: Sunnyside, Cotleigh, Honiton EX14 9HP

GRADE: Adjacent to Grade II listed building.

APPLICATION NO: 22/1238/OUT

BRIEF DESCRIPTION OF HISTORIC CHARACTER

Three Mariners Cottage lies to the west of Sunnyside and is grade II listed dating to the C17 century. The 1888 OS extract demonstrates that there were buildings on the Sunnyside site in 1888 though it has since been extended.

HOW WILL PROPOSED DEVELOPMENT AFFECT HISTORIC CHARACTER

Planning permission is sought for an outline application with all matters reserved for the demolition of the existing cottage which front close to the road edge and replacement with a new building. The existing cottage is in close proximity to Three Mariners Cottage and may be of a greater age than it appears to be - it has however, been much altered externally. In principle there are no heritage objections to its demolition and replacement with a new dwelling subject to design. Any new development should take account of the setting of Three Mariners in design, scale and materials.

POLICY

Listed Buildings and Conservation Areas Act 1990 section 66

National Planning Policy Framework 2021 section 16

New East Devon Local Plan (2013-2031)

Policy EN9 - Development Affecting a Designated Heritage Asset

RECOMMENDATION - PROPOSAL

No objections

Other Representations

Two letters of support have been received from the neighbouring residents.

PLANNING HISTORY

There is no planning history on the site.

POLICIES

NPPF (National Planning Policy Framework 2021)

National Planning Practice Guidance

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 3 (Sustainable Development)
Strategy 5 (Environment)
Strategy 5B (Sustainable Transport)
Strategy 7 (Development in the Countryside)
Strategy 38 (Sustainable Design and Construction)
Strategy 46 (Landscape Conservation and Enhancement and AONBs)
Policy D1 (Design and Local Distinctiveness)
Policy D2 (Landscape Requirements)
Policy EN9 (Development Affecting a Designated Heritage Asset)
Policy EN14 (Control of Pollution)
Policy EN16 (Contaminated Land)
Policy EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment System)
Policy EN22 (Surface Run-Off Implications of New Development)
Policy H6 (Replacement of Existing Dwellings in the Countryside)
Policy TC2 (Accessibility of New Development)
Policy TC7 (Adequacy of Road Network and Site Access)
Policy TC9 (Parking Provision in New Development)

ANALYSIS

Site Location and Description

Sunnyside is a detached traditional cottage situated outside the built-up area boundary and within the designated Blackdown Hills Area of Outstanding Natural Beauty (AONB). The site is accessed from Old Chard Road.

The site is rectangular in shape with a narrow slip of grassed land immediately to the east of the site.

The immediate surrounding settlement pattern is low density with detached dwellings of varying design and benefiting from moderate to large scale gardens.

Proposed Development

Outline planning permission is sought for the replacement of the existing cottage with a new house. In this application all matters are reserved.

Analysis

The main issues to be considered during the determination of the application are: the principle of development, design and impact of the proposal on the character and appearance of the immediate area and wider AONB landscape, residential amenity impact, the impact on the neighbouring Grade II listed building and wildlife.

The principle of residential development

The Development Plan for the area currently consists of the adopted East Devon Local Plan (2013-2031), there is no Neighbourhood Plan in force for Cotleigh Parish.

In policy terms the application site lies in open countryside outside of any designated Built up Area Boundary or Strategic allocation within the Adopted East Devon Local Plan or Villages Plan and where there are no other Local or Neighbourhood Plan policies that would support the development. Therefore, under the provisions of Strategy 7 (Development in the Countryside) of the Adopted East Devon Local Plan (2013-2031) development will usually be resisted other than where permitted by a specific local plan policy that allows an exception to the presumption against development in the countryside.

Policy H6 (Replacement of Existing Dwellings in the Countryside) of the adopted East Devon Local Plan (2013-2031) facilitates the replacement of existing dwellings in the countryside. In light of this, as a matter of principle the development is considered to be acceptable providing that certain criteria are met, one of which is that there is a permanent habitable dwelling on the site which is not bound by any exception policy.

It is appreciated that the existing cottage demonstrates some traditional design characteristics yet, it is not considered to be of any architectural importance and there is no objection to its removal. It is suggested on the indicative block plan that the proposed dwelling would be set back from the road with the front elevation situated approximately 3 metres away from the roadside, however, it would still overlap partially with the footprint of the existing dwelling. It is considered that the site is capable of accommodating a new residential building in this location, subject to other considerations set out below.

Design, landscaping and impact on the character and appearance of the area

The proposal is in outline form with all matters reserved and therefore details of layout, scale, external appearance and landscaping are reserved for later consideration. Some indicative details relating to these issues are included within the design and access statement.

Policy H6 (Replacement of Existing Dwellings in the Countryside) of the adopted East Devon Local Plan (2013-2031) requires that a replacement dwelling does not detract from the appearance and character of the landscape and does not harm the natural beauty of the landscape within an AONB.

Strategy 46 (Landscape Conservation and Enhancement and AOBs) requires that development be carried out in a manner that is sympathetic to, and helps conserve and enhance, the quality and local distinctiveness of the natural and historic landscape character of the area and, in line with the relevant guidance set out in Paragraph 174 National Planning Policy Framework, gives great weight to the conservation and enhancement of the landscape and scenic beauty of AONBs and other designated landscape areas.

The surrounding properties are of a varying design including traditional cottages, farm complex buildings and relatively modern dwellings. The statement accompanying the application states that the proposed dwelling would have the character of a cottage style property and the materials to be used would be of a traditional finish to respect the rural character of the designated Blackdown Hills AONB landscape.

Although no information has been provided which would indicate the scale and massing of the proposed dwelling, the application is for outline permission with all matters reserved and therefore, the proposed design, scale and layout would be considered within the reserved matters application which would follow this application.

The application received the support of the AONB Partnership subject to the appropriate design of the dwelling, however, the Ward Member considered that the loss of the cottage would be detrimental to the appearance of the surrounding area and that the site cannot accommodate a new dwelling in the proposed location.

The comments of the Ward Member are appreciated. It is not however considered that the loss of the existing cottage would cause overriding detriment to the character and appearance of the surrounding AONB and that permission could be withheld on these grounds. The existing dwelling is not considered to be a heritage asset and so its loss cannot be resisted.

In addition, a new dwelling in the design of a rural vernacular could be positioned within the site without any detriment to the streetscene or the natural qualities that led to the designation of the Blackdown Hills AONB landscape.

It is therefore viewed that the application complies with the relevant policy provisions of the adopted East Devon Local Plan (2012-2031) considered above.

Neighbouring Amenity

The only dwelling that could be affected by the proposal in terms of residential amenity impact is Three Mariners Cottage situated to the west of the application site. A new dwelling at this location is unlikely to impact on residential amenity in relation to privacy, loss of light or being overbearing providing that careful consideration is given to the design and form of the replacement dwelling and the location of any openings at the first floor level.

The Impact on the Heritage Asset

The Conservation Officer was consulted on the application and advised that there are no objections to the demolition of the existing cottage and the replacement dwelling would not in-principle result in any harm to the neighbouring Grade II Three Marines Cottage subject to appropriate design, scale and materials in compliance with Policy EN9 (Development affecting a Designated Heritage Asset) of the adopted East Devon Local Plan (2013-2031).

Wildlife

The proposal involves the demolition of an existing building within open countryside. An application for all matters reserved should be accompanied by a Phase 1 Ecological Assessment, together with the results of any additional surveys and mitigation/enhancement work identified as necessary. This can be secured by a condition.

Other

The proposed scheme would utilise existing access from the highway that serves Sunnyside which together with the provision of 2 No. parking spaces would comply with the provisions of Policies TC7 (Adequacy of Road Network and Site Access) and TC9 (Parking Provision in New Development).

There are no services or facilities on the site which is located in the countryside in what is an unsustainable location. However, given the existing residential use of the site, it is considered that the occupation of a replacement dwelling will not be any less sustainable than the occupation of the existing property. Indeed it presents an opportunity to construct a more efficient dwelling with a lower carbon footprint. The demolition of the existing dwellings and construction of the new has significant implications in terms of embodied carbon, however the current policy framework does not directly address these implications. The application is therefore considered to comply with Strategy 3 (Sustainable Development) and Policy TC2 (Accessibility of New Development) of the adopted East Devon Local Plan (2013-2031).

The Environmental Health Officer has no objection to the proposal, however, some concerns were raised regarding the proximity of the site to the neighbouring residents. Demolition and construction working hours should be conditioned to ensure there would be no adverse impact on residential amenity.

Attention is also drawn to the Council's adopted Code of Practice for the Control of Construction Site Nuisance that requires all those carrying out building works irrespective of size to minimise environmental disturbance to local residents covering areas such as hours of work, general operations, noise and dust and ancillary activities such as access for construction vehicles.

The Code of Practice is available on the EDDC website and details the measures that the Council expects all works on the construction site to comply with to avoid nuisance to local residents. It is therefore advised that the applicant ensures that all contractors on site are provided with a copy of such document and requested to comply with it. Failure to comply with the code may lead to action under the Environmental Protection Act 1990 or the Control of Pollution Act 1974.

Conclusion

It is considered that the principle of constructing a dwelling at the application site is acceptable. The finished form of development, its relationship with the neighbouring properties, impact upon the character and appearance of the area, wider AONB landscape and wildlife impacts will be dependent upon the details that are submitted at the reserved matters stage. As such, the application is recommended for approval subject to conditions.

RECOMMENDATION

APPROVE subject to the following conditions:

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
(Reason - To comply with section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.)
2. Approval of the details of the layout, scale and appearance of the building (s), the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
(Reason - The application is in outline with one or more matters reserved.)
3. Any reserved matters application shall be accompanied by a detailed ecological survey and report on the site and existing buildings and shall include details of, and a timetable for, any necessary mitigation works. The report shall have informed the design of the proposed development which shall include any required mitigation measures. Development shall only proceed in accordance with the agreed details.
(Reason - To ensure that protected wildlife species that might be using the building are appropriately protected and accommodated for in any new development in order to comply with Policy EN5 - Wildlife Habitats and Features of the adopted East Devon Local Plan 2013-2031.)
4. Should any contamination of soil and/or ground or surface water be discovered during excavation of the site or development, the Local Planning Authority shall be contacted immediately. Site activities in the area affected shall be temporarily suspended until such time as a method and procedure for addressing the contamination is submitted to and agreed upon in writing with the Local Planning Authority. Development shall thereafter be carried out in accordance the agreed method and procedure.
(Reason - To ensure that any contamination existing and exposed during the development is identified and remediated in accordance with Policy EN16 - Contaminated Land of the East Devon Local Plan 2013-2031.)
5. No development shall take place until details of the foul water system and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details before any dwelling on the site is occupied.
(Reason - To ensure that a suitable scheme is designed into the development from the outset and to avoid pollution of the environment and/or flooding in accordance with policies EN19 - Adequacy of Foul Sewers and Adequacy of

Sewage Treatment Systems and EN22 - Surface Run-Off Implications of New Development of the East Devon Local Plan 2013-2031.)

6. Any landscaping scheme approved as part of a reserved matters application shall be carried out in the first planting season after commencement of the development unless otherwise agreed in writing by the Local Planning Authority and 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 preserve and enhance the character and appearance of the area in accordance with Strategy 46 - Landscape Conservation and Enhancement and AOBs and Policies D1 - Design and Local Distinctiveness and D2 - Landscape Requirements of the East Devon Local Plan 2013-2031.)
7. No development above foundation level shall take place until 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 have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
(Reason - To ensure that the materials are sympathetic to the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and EN9 - Development affecting a Designated Heritage Asset of the East Devon Local Plan 2013-2031.)
8. Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site.
(Reason - To protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution in accordance with policies D1- Design and Local Distinctiveness and EN14 - Control of Pollution of the East Devon Local Plan 2013-2031.)

NOTE FOR APPLICANT

Informative: Confirmation - No CIL Liability

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

Any queries regarding CIL, please telephone 01395 571585 or email cil@eastdevon.gov.uk.

Informative:

In accordance with the aims of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 East Devon District Council works proactively with applicants to resolve all relevant planning concerns; however, in this case the application was deemed acceptable as submitted.

Plans relating to this application:

Location Plan

01.06.22

List of Background Papers

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