

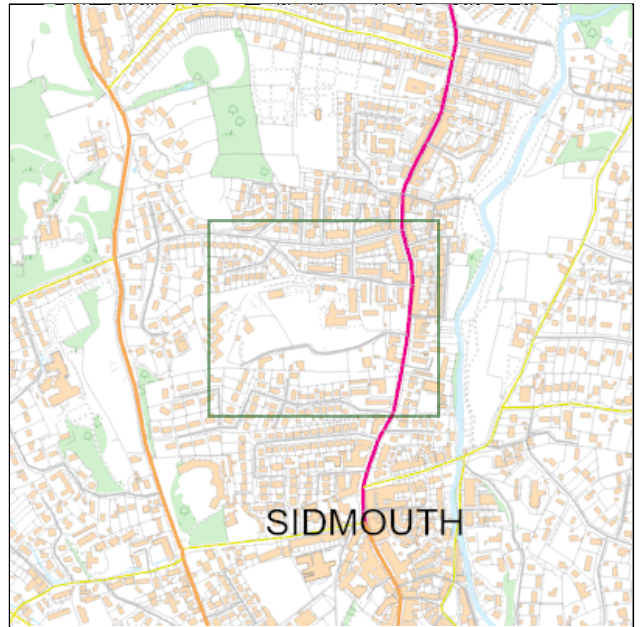
Ward Sidmouth Town

Reference 24/1174/MFUL &
24/1175/LBC

Applicant Melanye Luscombe (Richmond Estates
Sidmouth Ltd)

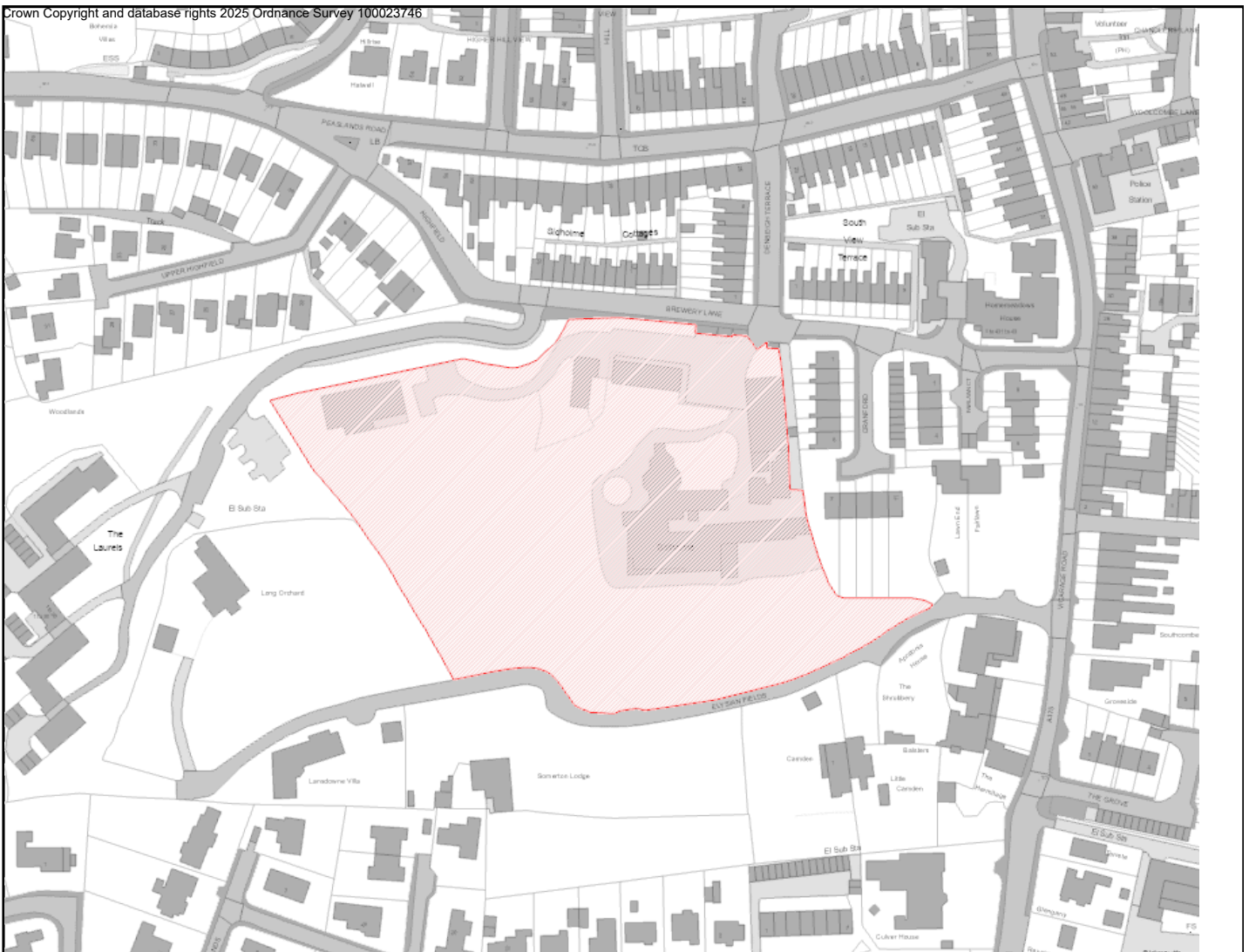
Location The Richmond Hotel Elysian Fields Sidmouth
EX10 8UJ

Proposal Change of use of Cumberland Cottage and its
adjoining extensions Including 1987 front
extension and guest house extension, from C1
Hotel to C3 Residential use; change of use of
annexe apartments, currently classed as C1
Hotel rooms to C3 Holiday use; remove
managers use restriction on residential
bungalow; Permission to split and sell all the
above properties, plus residential staff cottage
leasehold/commonhold



RECOMMENDATION: Refusal

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		Committee Date: 28.01.2025
Sidmouth Town (Sidmouth)	24/1174/MFUL	Target Date: 29.10.2024
Applicant:	Melanye Luscombe (Richmond Estates Sidmouth Ltd)	
Location:	The Richmond Hotel Elysian Fields	
Proposal:	Change of use of Cumberland Cottage and its adjoining extensions Including 1987 front extension and guest house extension, from C1 Hotel to C3 Residential use; change of use of annexe apartments, currently classed as C1 Hotel rooms to C3 Holiday use; remove managers use restriction on residential bungalow; Permission to split and sell all the above properties, plus residential staff cottage leasehold/commonhold	

RECOMMENDATION: Refusal

		Committee Date: 28.01.2025
Sidmouth Town (Sidmouth)	24/1175/LBC	Target Date: 24.09.2024
Applicant:	Melanye Luscombe (Richmond Estates Sidmouth) Ltd	
Location:	The Richmond Hotel Elysian Fields	
Proposal:	Change of use of Cumberland Cottage and its adjoining extensions. Including 1987 front extension and guest house extension, from C1 Hotel to C3 Residential use; change of use of annexe apartments, currently classed as C1 Hotel rooms to C3 Holiday use; remove managers use restriction on residential bungalow. Permission to split and sell all the above properties, plus residential staff cottage leasehold/commonhold	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

These applications are before Committee as the officer recommendation is contrary to the views of the Town Council.

The applications seek planning permission and listed building consent for the change of use of a portion of the existing Grade II* listed Richmond Hotel (included on the statutory list as the 'Sidholme' Hotel) into residential dwellings. The submission states that the use of the site as a hotel is no longer financially viable and the proposed subdivision of the site and the change of use of part of the site into residential accommodation would assist with the overall site running costs. The rest of the hotel site would be run as a wedding venue and venue for music concerts but the details of this are not included within this submission.

Historic England have commented that the extent of the proposed subdivision would by its nature introduce a high degree of fragmentation into the site. In terms of the physical impact, the application lacks details on how the subdivision of the properties and the landscape would be implemented.

The application seeks approval for the conversion of the most readily adaptable part of the site, and to subsequently sell the dwellings created. This would leave those more sensitive areas for change, the Music Room and Richmond House, albeit with greater floor area, with no clear long-term strategy for its ongoing conservation. Insufficient evidence has been provided that the proposed works are the minimum necessary to secure the future of the site, and the application provides no guarantee that the revenue generated through the sale of the dwellings would be used to refurbish the remainder of the hotel building.

In terms of the local plan, there is an in principal objection to the loss of the site for holiday accommodation in the absence of evidence to demonstrate that the holiday use is no longer viable.

Notwithstanding the concerns in respect of whether the proposal would secure the future of the most significant parts of the site, there are still significant concerns regarding the compatibility of residential dwellings and a wedding / music venue within the same building and the resultant adverse impacts to residential amenity of future occupants.

The Town Council are partially supportive of the scheme. Historic England have commented that if the local planning authority is minded to grant consent for the LBC application in its current form, in light of their objection, the Secretary of State should be notified of the LBC application.

Given Historic England's objection to the scheme as well as concerns regarding other areas of the proposal which are in conflict with the local plan, the proposal is contrary to the relevant Local Plan, the Sid Vale Neighbourhood Plan and Government Advice contained within the NPPF and is therefore recommended for refusal.

CONSULTATIONS

Local Consultations

Sidmouth Town – Councillor Ian Barlow

While I accept that something needs to be done at this site to protect and preserve this important historic building and grounds, I am concerned that by allowing the subdivision of the site as proposed will put the historic part of the building in a precarious position of not being able to sustain itself with no clear plan (that I can see) of maintaining the building and grounds going forward . It's all very well saying that the new owners/leasholders will be responsible via management fees but is this realistic/possible ? At what cost to them and is it likely to be affordable? Will the new plan cause confrontation between a commercial use for the main building and the new residents that will have to be dealt with by EDDC in the future when the present owners have recouped their money and moved on ? Who will run and manage the new company and what happens if it doesn't succeed commercially when it has no assets to fall back on?

There are many questions that need answering before I can support this application as it stands , however I reserve my final opinion for when I have seen all the information especially from Historic England who I imagine have had many similar situations to deal with and hopefully can assist in finding a plan that gives more security for the historic element of the building and grounds .

Parish/Town Council

PARTLY SUPPORT

Members found it difficult to continue to support the proposal to change the use and dispose of parts of the main house and would like to see a concise business plan to indicate how the main house might be retained in its integrity.

Technical Consultations

Historic England

OBJECTION. If your authority is minded to grant consent for the LBC application in its current form, in light of our objection you should treat this letter as a request to notify the Secretary of State of the LBC application.

Additional Comments 20/12/2024 – OBJECTION

This is due to the lack of clarity regarding the impact of the scheme and the lack of confidence that the scheme will deliver the optimum viable use for the site. At present, the works have not been clear and convincingly justified.

County Highway Authority
No objection

Other Representations

7 third party representations have been received, with 6 in support of the application and 1 neutral representation. A summary of grounds for support are as follows:

A summary of grounds for support are as follows:

- The application should be approved to prevent deterioration to the hotel building
- The sale of ancillary buildings is a practical approach that would help bring the listed building back into use

The 'neutral' representations queried the height of any proposed changes.

PLANNING HISTORY

The site has an extensive planning history with EDDC's earliest planning history dating from 1976. The applications are predominately in respect of upgrades and repairs to the hotel, including the installation of en-suite bathrooms, replacement doors and windows and internal reconfiguration of the spaces as well tree works across the site.

The more recent planning history is as below:

Reference	Description	Decision	Date
21/1299/LBC	External works: to repair or replace sections of the roof to include slate roofs; Repair or replace any windows; Repair or replace all other timber joinery; repair or replace any rainwater goods; repair external finishes and render. Internal works: to repair or replace water damaged areas of ceilings, walls and floors.	Approval with conditions	13.01.2022

21/2241/FUL	Blocking up of door and window openings on North and West Elevation	Withdrawn	10.01.2022
21/2465/LBC	Internal alterations to improve the hotel's existing facilities and guest rooms	Approval with conditions	31.03.2022
21/2805/LBC	Reconfiguration of internal layout of annexe building to provide 6 holiday rooms.	Approval with conditions	01.12.2021
22/1449/FUL	Proposed conversion of existing garage to form 4 new Townhouses and associated parking, including change of use from Hotel C1 to Residential C3	Withdrawn	12.01.2023
22/1450/LBC	Proposed conversion of existing garage to form 4 new townhouses and associated parking, including change of use from Hotel C1 to Residential C3	Withdrawn	12.01.2023
23/0991/FUL	Proposed 4 number new townhouses on site of former garage at Sidholme Hotel.	Approval with conditions	02.02.2024
23/0992/LBC	Proposed 4 number new townhouses on site of former garage at Sidholme Hotel.	Approval with conditions	02.02.2024
24/0035/LBC	To remove flat roofed extension to the curtilage cottage, to remove laundry building and refurbish the roof of the curtilage cottage all within the grounds of Grade II* listed building.	Approval with conditions	13.05.2024

The applicant has also sought pre-application advice directly from Historic England in February 2024.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 26 (Development at Sidmouth)

Strategy 32 (Resisting Loss of Employment, Retail and Community Sites and Buildings)

Strategy 33 (Promotion of Tourism in East Devon)

Strategy 34 (District Wide Affordable Housing Provision Targets)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN8 (Significance of Heritage Assets and their setting)

EN9 (Development Affecting a Designated Heritage Asset)

EN10 (Conservation Areas)

E18 (Loss of Holiday Accommodation)

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

EN22 (Surface Run-Off Implications of New Development)

TC2 (Accessibility of New Development)

TC9 (Parking Provision in New Development)

Sid Valley Neighbourhood Plan (Made)

Policy 7 (Local Distinctiveness)

Policy 9 (Residential development)

Policy 11 Affordable Housing within the BUAB

Government Planning Documents

NPPF (National Planning Policy Framework 2024)

Site Location and Description

The Richmond Hotel (entered upon the Statutory List as 'Sidholme') is a substantial gothic villa and is one of several large villas that were built during the Regency period within the Elysian Fields area, reflecting the town's popularity as a holiday destination during the late 18th/ early 19th century for the wealthy gentry including royalty. Sidholme is Grade II* listed.

Sidholme was originally constructed as Richmond House c. 1823 by William Barrett as part of a planned residential development known as 'Elysian Fields'. Richmond House was one of six houses completed by Barrett, on raised ground overlooking Sidmouth. The intention was to provide grand residences in a desirable setting just outside Sidmouth, which by the 1820s had become a local resort of distinction.

Richmond House and Cumberland Cottage, sited to the east of Richmond House, were both built in the cottage orné tradition and were of three bays, with the principal

elevation overlooking the Sidmouth vista to the south. Both cottages had verandas to the south elevations.

The Ballroom (now Music Room) and Billiard Room were constructed by the 6th Earl of Buckinghamshire. Cumberland Cottage was later incorporated into Richmond House during the early 1880s. A further annexe was built to the north of the house in the early C20th, which was built as a laboratory by the engineer Lindemann. In 1930 the house was bought by the Methodist Guild Holidays group and was subsequently turned into a guest house. The site was requisitioned for military use during World War II but has remained as a hotel prior to its closure in 2020.

The site is within the Elysian Fields Conservation Area.

Statutory Listed Building Description

Heritage Category: Listed Building

Grade: II*

List Entry Number: 1097928

Date first listed: 12-Nov-1973

List Entry Name: SIDHOLME

Statutory Address 1: SIDHOLME, ELYSIAN FIELDS

ELYSIAN FIELDS 1. 1633 (North Side) Sidholme SY 1288 7/68 II 2. Gothicised villa built for the Earl of Buckingham in 1826 with later extensions and alterations. Stuccoed. South garden front has main block of 3 storeys, 1 in attic. 3 gables, centre one smaller, with ornamental bargeboards and finials. The front is extended for one bay on ground and 1st floors to west with similar gable to those on 3 storeys part. Across the 1st floor runs a balcony with elaborate Victorian cast iron balustrade, supported on iron columns with tracery brackets. 3 windows 2nd floor, the outer ones 2-light marginal glazed casements with pointed top panes, drip moulds over, the centre window marginal glazed casement in cambered arched recess. 4 windows to 1st floor, 2 canted bays with camber headed marginal glazed lights and stepped leaded tent roofs rather in "Chinoiserie" taste. 2 French windows with drip moulds over. The wall on ground floor has thin stucco blind arcading with colonettes and pointed cusped arches. Windows transomed casements later C19 and door. East wing set back and decreasing in height from 3 storeys to 1 storey. Gable end slate roofs with ornamental fascia boards. Some of original marginal glazed Gothic casements survive. The rest altered and ground floor built out. 2 service blocks terminate east wing both of 2 storeys, one with parapet raised as pediment over centre, the other with low pitch slate roof. Fenestration altered but on pedimented block 3 casement windows grouped in centre of 1st floor with pediment over middle one. The entrance front faces west and has an asymmetrical cement rendered elevation of 2 and 3 storeys. 3 gabled bays with ornamental bargeboards and finials. 2 storeyed projecting gabled porch with 6-light bay window with panelled apron above door set in moulded pointed arch. Rest of fenestration irregular with some later alterations, bay windows and some casements still with marginal glazing, with drip moulds over. The balcony and veranda returned from south front for one bay. Projecting from north side of the house is the Music Room, added by the Earl of Buckingham circa 1826. Tall stucco faced block on elongated Greek cross plan with

canted ends to arms. Lit by very tall round headed sashes with glazing bars intact. It has a very fine interior, Neo-classical with some Rococo elements. Painted decoration, partly in grisaille, and gilded stucco work. The walls articulated by panelled pilasters and a high ribbed domical vault rising from cornice. 2 columned marble mantle pieces, mirrors above with elaborate Rococo frames. 'Gothic' organ case. Fine chandelier. Broad staircase with turned arcaded balusters rises up into 1st floor of house at south end of room. The house was the boyhood home of Professor F. A. Lindemann, Viscount Cherwell. Sidholme is part of a group of early to mid C19 villas in particularly fine settings on a residential cul-de-sac in the upper part of the town.

Proposed Development

Methodist Guild Holidays, the previous owner of The Sidholme Hotel, went into receivership in 2021 and the hotel was subsequently purchased by the applicant.

The applicants consider that the optimum viable use for the site is no longer as a hotel and as such permission is sought to redevelop the site to provide an element of leasehold residential accommodation, alongside a commercial use in the retained portion of the hotel. It is the applicant's intention that this will likely be as a wedding and live music venue but the full details of this have not been included as part of this submission.

The application seeks approval for the change of use of the east wing of Sidholme, which includes Cumberland Cottage, from C1 hotel use to C3 residential use. The proposal indicates the east wing being reconfigured into four dwellings. These are referred to in the application drawings as Cumberland Cottage, Cottage 1, Richmond Cottage and Cottage 3.

Within Cumberland cottage, the existing cold store walls and modern partitions around the office are being removed to allow for the creation of a kitchen and living room. The stair between ground and first floor is retained in its current position. At first floor the internal layout is shown as being reconfigured to provide three en-suite bedrooms. An existing window to the south elevation is proposed as having its cill lowered to form a new entrance door. No other changes are proposed to the elevations. The proposed dwelling area is 164 square metres.

Within the proposed Cottage 1, at ground floor the existing partitions are indicated as being removed to create an open plan living space. The existing staircase is being retained. At first floor the internal layout is shown as being reconfigured to provide two en-suite bedrooms. No changes are proposed to the elevations. The proposed dwelling area is 92 square metres.

Within Richmond Cottage, it is proposed to insert a new stair, and minor internal works are proposed to form a utility and WC at ground floor. The first floor layout is shown reconfigured to provide two en-suite bedrooms. No changes are proposed to the elevations. The proposed dwelling area is 177 square metres.

Within Cottage 3, the ground floor layout would remain unchanged with the exception of the insertion of a new stair. Both first and second floor layouts are

shown as being significantly reconfigured to provide three en-suite bedrooms across the first and second floors, as well as a second stair being inserted between first and second floors. No changes are proposed to the elevations. The proposed dwelling area is 219 square metres.

As well as the conversion and change of use of the east wing, permission is also sought for the conversion of the Guest House cottage into C3 use. The proposal allows for minor internal alterations to provide a three bedroom house in lieu of the seven hotel bedrooms as per the current layout. No changes are proposed to the north and west elevation of this building, but the south elevation has not been supplied. The west elevation is conjoined with the Billiard Room. The proposed dwelling area is 146 square metres.

The application also seeks approval for the change of use of the 6 no. 2 bedroom Annexe apartments (the Lindemann wing) from C1 hotel rooms to C3 holiday use. The building has already been converted to apartments under application reference no. 21/2805/LBC. The proposed apartments vary in area from 52 square metres to 61 square metres.

Approval is also sought for the removal of the manager's use restriction on the existing 3 bedroom bungalow. No plans of the bungalow have been provided. In addition, approval is sought for the change of use of the staff cottage. Permission was granted for the removal of a modern flat roofed extension to the staff cottage under application 24/0035/LBC. No floor plans or elevations of this building have been supplied.

The application was originally registered as a minor application but as the proposal involves the change of use and or reconfiguration of the existing building to provide of 13 dwellings in total, the application has subsequently been re-advertised as a major application.

ANALYSIS

The principal issues for consideration are:

- The principle of development / change of use
- The impact upon the heritage asset
- The impact upon residential amenity
- Highways impacts
- Ecology

Principle of Development

The application site is located within the Built up Area Boundary (BuAB) of Sidmouth as defined by the Adopted Local Plan, with good access to services and facilities as well as public transport. Strategy 6 'Development within Built-Up Area Boundaries' of the local plan sets out criteria against which development within built up area boundaries can be assessed.

Sidholme lies outside of the Principal Holiday Accommodation Area as defined by the East Devon Local Plan, therefore Policy E17 - Principal Holiday Accommodation Areas, is not applicable. The proposal would be subject to the provisions of Policy E18 - Loss of Holiday Accommodation, which state:

The proposals for change of use or redevelopment of hotels and other holiday accommodation in the seaside resorts of Exmouth, Budleigh Salterton, Seaton and Sidmouth will not be permitted unless the holiday use is no longer viable and/or the new use will overcome clear social, economic or environmental problems associated with the current use. Permission for change of use will not be permitted unless it can be clearly demonstrated that there is no longer a need for such uses and that the building or site has been marketed for at least 12 months (and up to two years depending on market conditions) at a realistic price without interest.

It is recognised that the Grade II* listed Sidholme requires significant conservation to secure the future of the house and the wider site. A major driver behind the previous applications 23/0991/FUL and 23/0992/LBC for the four townhouses on the site of a former garage at Sidholme Hotel was to generate revenue to be used in the refurbishment of the hotel. The application documents state that the development to provide four two bedroom coach houses cannot currently be started, as all available development funds are being channelled to the repair of listed building first.

The applicant has stated that the use of the site as a hotel would not support the level of funding required to refurbish the site to make it operational or provide a level of turnover required to repay the funding.

Returning to policy E18 however, there is an in-principle objection to the loss of the site for holiday accommodation. The policy requires the applicant to demonstrate that the holiday use is no longer viable and that there is no longer a need for the hotel use.

East Devon District Council's website gives detailed requirements for the Marketing Strategy Statement required for all applications proposing the loss of commercial or community facilities. In summary the following information is required:

- A copy of the letter of instruction to the agent
- The methodology used by the surveyor in arriving at a valuation
- Estate agents verifiable record of all enquiries
- A copy of the sales particulars and adverts

The marketing strategy statement should also include evidence of steps undertaken to diversify income and prevent the decline of the business.

A valuation report has been supplied in support of the application by a RICS Registered Valuer in respect of the Hotel. This document provides a valuation of the hotel and residential accommodation as proposed, with different valuations subject to whether the proposed houses have holiday use or unrestricted residential use. For the purposes of the valuation it has been assumed the properties will be built to a modern standard and fitted to a good market specification to include central heating

and full range of good quality kitchens, bathrooms, and electrical fittings, and that all the residential parts will be sold on a long leasehold basis for a minimum term of 150 years. The overall valuation for the hotel and associated holiday lets is £2,950,000, and for unrestricted residential use, as opposed to holiday use, the valuation for the whole site would be £4,285,000. The valuation includes the 6 no. Lindemann apartments and owner's bungalow which have already been completed / refurbished, the proposed 4 no. townhouses on site of former garage (23/0991/FUL), the four cottages within the Cumberland wing, the guest cottage, the staff cottage, the swimming pool, and the wedding / music venue with 14 ensuite letting rooms.

No figure has been supplied for the valuation of the site as a whole in its current permitted use as a hotel. The applicant purchased the property in February 2021 for £1.6m. The property was openly marketed at that time as a trading hotel but fell into receivership prior to the completion of the sale.

No evidence has been provided to support the claim that there is no longer a need for a hotel use on the site, and the hotel has not been marketed since it was purchased by the current owner in 2021. The valuation report states that leisure property has become more mainstream and is attractive to those looking for a different type of investment by comparison to the traditional commercial and residential markets. The report also states that the lack of supply across the South West has meant the market has been moving very quickly which has positively impacted property values.

In terms of its position, the property is well located in relation to the sea front and town centre amenities. Protecting the tourist related use continues to be considered more important in planning terms than accommodating a residential use within the building. The applicant has provided the accounts of the Sidholme Hotel for the trading years 2017 – 2019, which indicate that the hotel made a small profit prior to its closure. The applicant has also submitted a letter from their accountant, stating that the neglect of the building since its closure means it is no longer viable for use as a hotel, and that there is no mechanism in place to fund the renovation of the site.

Given that the property has not been marketed, the criteria of Policy E18 have not been met, and insufficient evidence has been supplied with this application to demonstrate that Sidholme Hotel cannot continue to operate as a viable hotel.

The proposal is therefore contrary to Policy E18 Loss of Holiday Accommodation of the local plan.

Heritage impacts and impact upon the character of the site

The starting point for the exercise of listed building control and the determination of applications is the statutory requirement on local planning authorities to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses' (section 16 and 66). Applicants for consent that affects a heritage asset must be able to justify their proposals.

The NPPF says that the LPA should require an applicant to describe the significance of any heritage asset affected including any contribution made to their setting. This should be sufficient to understand the potential impact of the proposal on its significance. As a minimum the Heritage Environment Record should have been consulted and the building assessed using appropriate expertise where necessary. When considering the impact of development, great weight should be given to the asset's conservation. Any harm or loss should require clear and convincing justification from the applicant. Any harm should be judged against the public benefit, including securing the optimum viable use.

The house has a very high level of architectural interest, stemming from Richmond House and in particular the Music Room and Billiard Room to the north, which feature exceptionally well preserved and detailed internal spaces. The original cottage orné properties, Richmond House and Cumberland Cottage, reflect Sidmouth's history as a popular and fashionable holiday destination. Despite the amalgamation of the houses into one large property in the 1880s, evidence of the original houses can be seen in the elevations, floor plan and the internal features.

The house has historic interest as the residence of the 6th Earl of Buckinghamshire and the childhood home of Frederick Lindemann who was later a scientific advisor to Winston Churchill during the Second World War. The historic evidence of the house and garden also provide insights into the conspicuous consumption practices of mid-19th century elites, where significant wealth was used in order to display status and learning.

The house sits within mature grounds which contribute to the character of the area and the significance the house derives from its setting. The original 19th century design of the gardens and south lawn is essentially intact and relates directly to the important phases of the development of the principal building.

The Grade II* listing places the building within the top 2.5% of all listed buildings in England, and as such the building has a very high level of significance. The site also forms an important part of Area 3 of the Sidmouth Conservation Area, contributing to its character and appearance.

The submitted Heritage Statement contends that the eastern wing, containing Cumberland Cottage and various extensions is of lesser interest, with most of the historic features and details having been lost or obscured. During the site visit it was observed that many of the internal finishes within this wing have been removed, including wall linings and floor boards.

Historic England have commented that the extent of the proposed subdivision would by its nature introduce a high degree of fragmentation into the site. In terms of the physical impact, the application lacks details on how the subdivision of the properties and the landscape would be implemented. The application seeks to convert the most readily adaptable part of the site, and sell the houses. This would leave those more sensitive areas for change, the Music Room and Richmond House, albeit with greater floor area, with no clear long-term strategy for its ongoing conservation.

The remaining parts of the hotel are to be used as a music and wedding venue but there are concerns regarding the commercial and practical viability of this, particularly located within what is proposed to be a primarily residential scheme.

In the course of the Conservation Management Plan (CMP) previously undertaken for the site, the applicants committed to retaining the site as a single asset, predicated on the holistic management of all of the site and its setting to ensure the integrity and authenticity of the heritage asset could be conserved and enhanced. An addendum to the CMP has been provided with the current application. This confirms that the timetable given within the previous CMP has not been met as funding was not available for the renovation of the hotel, the construction of the townhouses, the renovation of the staff cottage or the refurbishment of the swimming pool. The addendum confirms that the proposed reconfiguration of the early C20th Lindemann wing and the refurbishment of the 1990s managers bungalow has been completed, at a total cost of £830,000.

The applicant's justification for the proposal centres around the lack of financial viability of the existing hotel. The applicant states that the proposed change of use of some of the accommodation is justified because the optimum viable use for the site is no longer as a hotel. Planning Policy Guidance states that if there is a range of alternative economically viable uses, the optimum viable use is the one likely to cause the least harm to the significance of the asset. The optimum viable use may not necessarily be the most economically viable one.

The applicant has provided a detailed breakdown of how the proposed subdivision of the site and the change of use into residential accommodation would assist with the overall running costs of the site. The submission states that separate leasehold dwellings would support the retained portion of the listed building through the dwellings' contribution to the overall site maintenance charges, and payment of their own council tax and utility costs.

During pre-application consultation with Historic England, concern was expressed about the separation of the Music Room from Richmond House and the impact to the experience and understanding of Sidholme through the separation of the Music Room from the house, given that their relationship to one another is integral to the understanding and phasing of this part of the site as well as reflecting its former sense of grandeur. In their comments, Historic England requested that further works should be undertaken in support of the application. An options appraisal was requested which would explore different uses and combinations of uses for the site. Evidence was also requested to show that the works proposed were the minimum necessary to secure the future of the site.

A feasibility study has subsequently been provided by the applicant, which has been carried out by a financial consultant as opposed to a heritage consultant. This concludes that the option presented, to sell half of the accommodation for housing, is the only viable option for the site. No other options have been put forward for the site. The study also cites the Harbour Hotel and the Victoria Hotel in Sidmouth where approval has been granted for residential apartments alongside the existing hotel use to assist with financing hotel renovations. Unlike the proposal however, these buildings are not listed (contrary to the claims in the report that these hotels are

Grade II and grade I listed respectively), and the accommodation sits alongside the existing hotels and did not result in the loss of any hotel accommodation. As already stated, permission has already been granted for similar a development of four two bedroom townhouses at the Sidholme Hotel under applications 23/0991/FUL and 23/0992/LBC.

A financial projection for the use of the retained part of the hotel as a music and wedding venue has been provided by the applicant. This assumes that the venue is used for one wedding a week for 35 weeks of the year, and one music event a week for 35 weeks of the year. Wedding events assume the rooms would be rented out for a minimum of two nights. The venue would employ an events manager and outside caterers would be brought in to cater for weddings.

The financial projection includes an element of 'hope' value rather than a robust evidence base. The music events to be held rely on volunteers to run the bar, clean the venue and set up for events. The bar takings are noted as £7,000 per wedding, which equates to a spend of between £70 - £46 a head assuming attendance of between 100 and 150 guests.

The applicant has provided an options appraisal to explore different uses for the site. However, these all assume that the works under the current application have already been carried out and that half of the site is in residential use. No option has been provided to illustrate any kind of commercial use for the overall site.

A summary of the submitted options is as follows:

Option 1 - Small Hotel

With 14 letting en-suite bedrooms (as per previously approved scheme 21/2465/LBC), 6 holiday cottages and 6 holiday apartments, assuming 30 weeks occupancy, the site would make a loss of £170,000. This loss includes annual funding costs of £473,074.

Option 2 - Wedding / music venue and rented cottages / holiday apartments

Wedding and music venue 30 weeks occupancy, 6 cottages on a shorthold residential tenancy 52 weeks occupancy and 6 holiday apartments 30 weeks occupancy, the site would make a profit of £4,134. This also includes annual funding costs of £473,074.

Option 3 - Wedding / Music Venue and Leasehold monthly income

Wedding and music venue 30 weeks occupancy, monthly income from leaseholder management fees (£5,950/month), and reduced annual maintenance costs, the site would make a profit of £843,775. This option does not include any funding costs as it is assumed funding would be provided by leasehold sales.

The application states that the applicants would be happy to agree a programme that secures the full refurbishment and opening of the venue, however no Heads of Terms have been provided by the applicant. There is therefore no guarantee that

revenue generated from the development of the hotel to residential dwellings would be used to refurbish the main hotel building. The options are centred around considerations of reducing the funding commitments rather than any consideration in respect of the heritage implication of the scheme.

The proposal would lead to some loss of historic fabric, principally through the removal of existing ceilings and floors to insert two new staircases in the eastern wing, and the reinstatement of a doorway into the south elevation of Cumberland Cottage. The submission lacks detail in respect of the proposed repair methodology and reinstatement. In particular, there are no details regarding proposed replacement floorboards, wall linings, ceiling repairs / replacement and any thermal upgrades proposed to the external fabric. No floor plans or elevations have been provided in respect of the proposed conversion of the Staff Cottage to residential accommodation. In addition there are no elevations for the western end of the north elevation Cottage 3 and the southern elevation of the Guest House cottage.

The existing and proposed elevations do not show the existing windows and doors or indicate whether these would be retained or repaired in any conversion scheme. No information has been provided in respect of any internal finishes or whether there are any existing joinery elements such as internal doors, architraves, skirting, cornicing or pictures rails that could be retained within the scheme. The first floor layout for the earlier Cumberland Cottage indicates a WC positioned against the 1.5 metre wide by 1.9 metre tall window which historically was the central window to the first floor which would significantly detract from the architectural significance of this building.

The submission also lacks information regarding the proposed services installation to the dwellings. The submission states that the houses would have individual electric boilers and underfloor heating but no information has been provided about the details of the installation or any electric metering arrangements. No information has been provided regarding extract ventilation, and what impact these elements would have upon the architectural significance of the building.

The heritage statement asserts that the proposed conversion of the Cumberland wing would have a low adverse impact to the asset, and would retain the link between the Music and Billiard Rooms. Historic England fundamentally disagree with the submitted assessment.

EDDC officers and Historic England met with the applicant during the determination period. Further information was requested to demonstrate that the works are the minimum required to secure the future of the asset. Additionally, further information was requested regarding the proposed phasing of the works, to set out a timetable for delivery of how each building would be delivered. Setting this out clearly would help to articulate the narrative on how it is intended to progress the works and how they are intended to be funded. This would also contribute to establishing a robust justification for the works.

Historic England's objection to the scheme confirms that the proposal is not considered to be enabling development, which is defined by the NPPF at Para 221. as development which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, provided the benefits of

any scheme outweigh the disbenefits of departing from those policies, but has nevertheless advised the type of information that would be beneficial in assessing the scheme, and in assuring that and proposals are fully justified. This includes a condition survey, an assessment of the cost of repairs, detailed drawings and a delivery plan to ensure the heritage benefits will be secured in a timely manner. This also includes market testing to explore the possibility of different owners providing an alternative means of securing the heritage asset's future conservation.

No condition survey has been provided with the application. The applicant has provided a costed schedule of works for the building, based on square metre rates where possible and budget figures for other items. In the absence of detailed drawings or quantities the accuracy of this is uncertain. Any enabling development needs to be the minimum required to meet any conservation deficit. The overall costs have been estimated at just over £3.5 million for the scheme as proposed, but this includes several hundred thousand pounds worth of fit out costs which could not be considered as conservation repairs. A phasing timetable has also been submitted by the applicant. This states that the completion of the works to the listed building could not be completed until all of the houses have been sold. In terms of the commencement of the proposed works, the swimming pool building is proposed for completion within Phase 2 of the development, ahead of the completion of the renovation of the listed building which carries across phases 2 - 5. The costs for the swimming pool renovation have not been included within the costed schedule other than £20,000 identified for the installation of rainwater harvesting tanks. The previously approved townhouses are not included within the cost plan or the phasing plan.

Any funds generated through enabling development are provided to directly solve the conservation needs of the place, not to solve the financial needs of the present owner. The harm which would arise as a result of the fragmentation of the site would be permanent and irreversible, and the submission gives no certainty or guarantee that the proposal would lead to the conservation of the heritage asset.

The proposal would give rise to limited public benefits, in the form of economic benefits during the construction period, and a limited increase to housing supply.

However, the risk of future fragmentation of the hotel site is a fundamental concern. The proposal would impact upon the completeness and quality of the site and the application provides no guarantee of a future use for the rest of the site.

There are concerns about the practicalities of the proposed residential conversion, discussed later in the report, and it has not been sufficiently demonstrated that the conservation to residential accommodation is the optimum viable use for the building. As such, insufficient justification has been provided in support of the proposal.

NPPF Para. 212 states that 'great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).' Insufficient information has been provided to enable an assessment of the impact of the scheme upon the site. The very limited benefits the proposal would give are not considered to be outweighed by the level of harm caused by the fragmentation of the site and

the concerns regarding the resulting isolation of the most sensitive part of the site, which would increase the challenges it might face in identifying a sustainable medium to long term future.

Given the above, the proposal would be contrary to NPPF Paragraphs 207, 208, 212, 213, 215, and Local Plan Policies EN8 and EN9.

Residential / Neighbour Amenity

There are a number of concerns about impact upon residential amenity that would arise in the course of the conversion of part of the hotel into residential accommodation.

The site plan indicates there is only 4.8 metres on plan between the north elevation of Cottage 3 and the south elevation of the Guest House cottage opposite. There are no windows to the south elevation of Cottage 3, so the only outlook is from the north. Given the proximity of the existing wall this would lead to poor levels of daylighting to the main living space within this dwelling. There are also concerns that this route between Cottage 3 and the Guest House Cottage would form the future servicing route to the back of house areas of the commercial space, as this leads to the areas proposed for the plating up kitchen. As such there are concerns that this would adversely impact Cottage 3 in terms of overlooking and noise.

Cottage 3, Cumberland Cottage and Cottage 1 as shown on the proposed plans are 'set back' from the lawn and the main south elevation of the hotel and commercial element. Richmond Cottage, proposed as a 2 bedroom dwelling, sits directly in line with the south elevation, with the south facing windows looking out over the main lawn area. The application states that no changes are proposed to the landscaping. As such there are concerns of impacts of overlooking between Richmond Cottage and the lawn in front. No delineation is proposed between areas of the site in private residential use and commercial garden areas and there would be no way of allowing privacy between residents and users of the hotel / commercial facilities. The individual houses do not have any private garden areas and would have the use of the grounds, given that one of the primary drivers behind the application is the overall reduction in maintenance costs to the hotel. It appears that conflict would arise during wedding events as to which users would have priority over the hotel gardens. Given the architectural and historic significance that is derived from the completeness and unchanged state of the mid 19th century garden design it would also not be desirable on heritage grounds to make significant changes to the gardens.

The proposed drawings for Richmond Cottage show access to the roof terrace at first floor. This is overlooked by the first and second floor windows of Cottage 3, which would give rise to adverse impacts to both the residents of Richmond Cottage and Cottage 3. Additionally, the roof terrace sits just above the level of the roof terrace to the first floor of the hotel / commercial space and no indication is given as to how privacy would be provided between the two distinct uses.

The schedule of works states that a covering of soundboard would be applied to infilled openings in party walls between dwellings. The guest house cottage is

directly attached to the Billiard Room, which is again adjacent to the Music Room. Given that approximately 30 music events and 30 weddings are planned a year, no drawings have been provided in respect of any sound attenuation between these two uses to ensure that the future residents of the Guest House Cottage are not subject to unnecessary noise nuisance.

Bin storage for the proposed residential dwellings is indicated within the historic structures shown abutting the northern boundary wall. No detailed drawings have been provided but it is assumed these would be shared with the rest of the hotel building. Details could be dealt with via condition.

The proposed annexe apartments within the Lindemann wing are all two bedroomed apartments. With the exception of Suite 5 with an area of 61 square metres, the apartments are all below the nationally described minimum space standards of 61 square metres for a 2 bedroom 3 person apartment. The areas range from 52 square metres up to 58 square metres. The submission seeks consent for these to become dwellings with a limited use restriction, recognising that they are too small to provide permanent dwellings.

Given the above, the proposal would be contrary to Local Plan policies D1 and EN14.

Highways, access and parking

The submitted site plan is not sufficiently detailed to show the overall parking spaces for the site, although the conservation management plan states there are 39 spaces across the site. An 'indicative parking' plan shows 8 spaces allocated to the 6 cottages to the east of the site, but the plan is not to scale and the spaces would not fit between the existing buildings as shown. No details have been provided in respect of parking for the Lindemann apartments or for the manager's bungalow. It is not clear how many spaces would remain in use for the hotel although the applicant has said their intention is to construct a new parking area to the south west of the site.

The dwellings would be accessed via the Brewery Lane entrance, with some servicing of the commercial element via the same entrance, and some servicing via the Elysian Fields entrance. No information has been provided detailing how many spaces would be retained for the future commercial use and no information has been provided in respect of bicycle storage, although this could be dealt with via condition. Local Plan policy TC9 also asks that electric car charging should be provided for developments in excess of ten dwellings which would apply in this instance, which could also be required by condition.

In the absence of a detailed site plan to a recognised scale it is not possible to assess whether sufficient parking has been provided for the proposed dwelling and whether there is sufficient road / turning area within the site to provide for commercial servicing of the site as well as residential parking and access / egress.

In respect of the wider highway network, County Highways have indicated that the trip generation would be similar to the current hotel use and as such there are no objections to the development from a highways perspective.

As such, insufficient information has been provided to demonstrate that the proposal would comply with local plan policy TC9 and that the commercial and residential uses would be compatible in terms of vehicular movements at the site.

Affordable Housing

Policy 11 of the Sid Valley Neighbourhood Plan states that on schemes of 10 or more units a minimum of 50% of homes must be affordable. This is in line with the requirements of Local Plan Strategy 34 which asks for 50% affordable housing within Sidmouth.

Given the nature of the existing building it would be inappropriate for such provision to be made on the application site, and as such a contribution towards affordable provision elsewhere in the district should be made. Strategy 34 recognises the issues of development viability and the additional costs associated with the development of more complex sites.

No viability assessment has been submitted in respect of the provision of affordable housing to demonstrate that it would be unviable for the scheme to support a contribution towards the provision of affordable housing.

National policy provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought.

The vacant building credit applies where the building has not been abandoned. A 'Vacant Building' is a building that has not been in use for three years. The building was last occupied in January 2021 according to the submitted CIL form. It is likely therefore that vacant building credit would apply but no statement or evidence has been provided in this respect.

As such, the proposal is contrary to local plan Strategy 34 and Policy 11 of the Sid Valley Neighbourhood Plan.

Ecology / biodiversity

A preliminary ecological assessment has not been provided with the application. The proposed residential conversion would require work within the loft space of the Cumberland Wing and between the Billiard Room and the proposed Guest House cottage to provide fire separation between the individual units.

The features of the existing slate roof, the proximity of the building to significant numbers of trees and the number of recorded bat species within a 500 metre radius of the building means the building has potential for roosting bats.

As such insufficient information has been provided to ascertain that the proposed works would not lead to harm to protected species such as bats, contrary to policy EN5 of the local plan.

Biodiversity Net Gain

The applicant has stated that the development would be subject to the de minimis exemption in respect of Biodiversity Net Gain. The existing building footprints and existing concrete and paved surfaces would be assigned a zero score in the statutory biodiversity metric. However, there are significant areas of lawn and trees included within the submitted red line site boundary, which extends to 1.9 hectares (contrary to the figure of 0.45 hectares taken from the submitted application form).

The submitted site plan does not distinguish between hard and soft landscaping and does not show existing or proposed access routes around the site, and the onus is on the applicant to provide sufficient information to show that the development would be exempt from the provisions of Biodiversity Net Gain. Insufficient information has therefore been provided to ascertain whether the de minimus exemption would apply.

Appropriate Assessment

The nature of this application and its location close to the Pebblebed Heaths and their European Habitat designation 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 the designation. 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.

This proposal is within 10 km of the Pebble-bed Heaths and therefore attracts a habitat mitigation contribution towards non-infrastructure at a rate of £196 per 'dwelling' (S111 identifies dwellings as 'building or part of a building designed for residential occupation'). The contribution has been received for 11 dwellings, however the application allows for the change of use of 13 dwellings in total therefore the full mitigation contribution required has not been received. The absence of appropriate mitigation gives rise to further grounds for refusal.

Other matters

There are a number of significant trees within the grounds. As the proposal is for a change of use it is not considered that the proposal would have the potential to result in any adverse impacts to the existing trees on site. The existing surface water run off would be unchanged and would be dealt with via the existing combined sewer. New foul connections would be made to the mains sewer. The site is not within flood zones 2 or 3 therefore there are no concerns in respect of flooding.

Summary / Conclusion

The existing house has a very high level of architectural and historic significance, with the intact landscaped gardens adding to the significance of its setting, reflecting its status as a Grade II* listed building.

Insufficient evidence has been provided that the proposed works are the minimum necessary to secure the future of the site and the proposal provides no guarantee that the revenue generated from the development would be used to refurbish the remaining portion of the hotel.

The submission lacks detail in respect of the proposed repair methodology and reinstatement. The NPPF requires that great weight should be given to the conservation of an asset, and the more important the asset, the greater the weight should be. Insufficient information has therefore been provided to enable an assessment of the impact of the scheme upon the site.

The application seeks to convert the most readily adaptable part of the site into residential dwellings, and selling them off. This would leave those more sensitive areas for change, the Music Room and Richmond House, albeit with greater floor area, with no clear long-term strategy for its ongoing conservation, putting these areas at risk.

Securing the future of the building is vital, however the proposal would impact upon the integrity and authenticity of the heritage asset and the division of the site would be contrary to the previously undertaken Conservation Management Plan.

Insufficient evidence has been produced to demonstrate that the holiday use is no longer viable and that there is no longer a need for the hotel use, contrary to Local Plan Policy E18.

There are also significant concerns about the practicalities of the residential conversion, in terms of the residential amenity of future occupiers and also in terms of the future limitations this would place upon the retained portion of the hotel.

In the absence of significant public benefits to outweigh the identified harm, the proposal is therefore contrary to the East Devon Local Plan, the Sid Valley Neighbourhood Plan and the NPPF and is therefore recommended for refusal.

RECOMMENDATION

REFUSE for the following reasons:

1. Insufficient information has been provided to justify the proposed level of subdivision and fragmentation of the site, or that the proposal forms the optimum viable use for the site. The proposed subdivision of the site would impact upon the rarity and completeness of the heritage asset in such a way that would harm the historic and architectural significance of the site. The proposal would allow for the conversion of the most readily adaptable part of the site, leaving the more sensitive areas of the site with no clear long-term strategy for its ongoing conservation and the proposal does not provide any guarantee that the revenue generated would be used to refurbish the remaining portion of the building. In the absence of public benefits sufficient to outweigh the harm identified, the proposal would be contrary to the provisions of Policy EN8 (Significance of Heritage Assets and their Setting), Policy EN9 (Development Affecting a Designated Heritage Asset) of the adopted East Devon Local Plan 2013 to 2031, and Paragraphs 207, 208, 212, 213, 215 and 220 of the National Planning Policy Framework 2024.
2. The proximity of Cottage 3 to the Guesthouse cottage would lead to poor levels of daylight within Cottage 3 which would lead to poor living conditions for occupiers. The roof terrace of Richmond Cottage looks directly into the first floor bedroom window of Cottage 3, leading to overlooking and lack of privacy between dwellings. The proximity and adjacency of the proposed Richmond Cottage roof terrace to the existing first floor balcony of the hotel would also lead to overlooking and a lack of privacy between hotel guests and the future occupiers of Richmond Cottage, leading to a poor standard of residential amenity for occupants of the proposed future residential dwellings. Furthermore, insufficient information has been provided in respect of the proposed noise levels to determine if mitigation would be required in order to achieve acceptable internal noise levels between the existing music room / music venue and the adjacent dwellings and as such it has not been demonstrated that the proposal would provide acceptable internal noise levels. As such it is considered the dwellings would provide a poor standard of residential amenity for occupants of the proposed future residential dwellings, contrary to the provisions of Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan 2013 to 2031.
3. The change of use of the existing Hotel to residential would result in the loss of tourist accommodation in the seaside resort of Sidmouth. Insufficient evidence has been put forward to substantiate that the current use is not viable or that there is no market for the continued use as the hotel as an ongoing concern. The loss of holiday accommodation would be to the detriment of the tourism appeal of East Devon and would have a negative effect on economy and the viable tourism base of East Devon. The proposal for change of use is therefore contrary to the Adopted East Devon Local Plan Policy E18 - Loss of Holiday Accommodation.

4. No ecology surveys have been provided with the application for the change of use. The building's features are such that it would offer a suitable habitat for bats and no evidence has been provided to demonstrate that the proposal would not have a material adverse affect upon protected species and that The Conservation of Habitats and Species Regulations 2017 would not be breached. The proposal is therefore contrary to the provisions of Policy EN5 (Wildlife Habitats and Features) of the Adopted East Devon Local Plan 2013 to 2031.
5. Insufficient mitigation has been provided to offset the impacts of the proposed dwellings within 10km of the Pebblebed Heaths and their European Habitat designation. As such it has not been demonstrated that the development would not lead to harmful impacts to important habitats and the species they support. The proposal is therefore contrary to the requirements of Strategy 47 (Nature Conservation and Geology) of the Adopted East Devon Local Plan 2013 to 2031 and Conservation of Habitats and Species Regulations 2017.
6. In the absence of a completed planning obligation (Section 106 of the Town and Country Planning Act 1990) (as amended) in terms that are satisfactory to the Local Planning Authority which makes provision for affordable housing, or any assessment to support a claim that such provision would impact upon the viability of the scheme, the proposal is contrary to Strategy 34 (District Wide Affordable Housing Provision Targets) of the adopted East Devon Local Plan 2013 to 2031 and the Policy 11 (Affordable Housing within the BuAB) of the Sid Valley Neighbourhood Plan 2018-2032.
7. Insufficient information has been provided in the form of a scaled site plan to indicate that the proposed dwellings would be provided with sufficient parking spaces and that the proposed parking arrangements would be compatible with the commercial servicing of the building by commercial vehicle deliveries. As such, it has not been demonstrated that the proposal would accommodate car parking provision commensurate with the type, size and location of development, contrary to local plan policy TC9 (Parking Provision in New Development) of the adopted East Devon Local Plan 2013 to 2031
8. Insufficient evidence has been provided to demonstrate that the proposal would be subject to the exemption of the provisions of Biodiversity Net Gain. As such it has not possible to assess whether the proposal would be contrary to Paragraphs 2 -12 of Schedule 7A of the Town and Country Planning Act 1990 as amended by the Environment Act 2021.

NOTE FOR APPLICANT

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 seeks to work positively with applicants to try and ensure that all relevant

planning concerns have been appropriately resolved; however, in this case the development is considered to be fundamentally unacceptable such that the Council's concerns could not be overcome through negotiation.

Plans relating to this application:

	Proposed Site Plan	11.07.24
121	Proposed Elevation	11.07.24
8278-100 H : annexe	Proposed Floor Plans	11.07.24
	Location Plan	07.06.24
202 B	Proposed Floor Plans	07.06.24

24/1175/LBC

REFUSE for the following reasons:

1. Insufficient information has been provided to justify the proposed level of subdivision and fragmentation of the site, or that the proposal forms the optimum viable use for the site. The proposed subdivision of the site would impact upon the rarity and completeness of the heritage asset in such a way that would harm the historic and architectural significance of the site. The proposal would allow for the conversion of the most readily adaptable part of the site, leaving the more sensitive areas of the site with no clear long-term strategy for its ongoing conservation and the proposal does not provide any guarantee that the revenue generated would be used to refurbish the remaining portion of the building. In the absence of public benefits sufficient to outweigh the harm identified, the proposal would be contrary to the provisions of Policy EN8 (Significance of Heritage Assets and their Setting), Policy EN9 (Development Affecting a Designated Heritage Asset) of the adopted East Devon Local Plan 2013 to 2031, and Paragraphs 207, 208, 212, 213, 215 and 220 of the National Planning Policy Framework 2024.

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:

	Proposed Site Plan	11.07.24
121	Proposed Elevation	11.07.24
8278-100 H : annexe	Proposed Floor Plans	11.07.24
	Location Plan	07.06.24
202 B	Proposed Floor Plans	07.06.24

List of Background Papers

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

Technical Consultations

Historic England 03/09/24

Thank you for your letters regarding further information on the above applications for listed building consent and planning permission. On the basis of this information, we offer the following advice to assist your authority in determining the applications.

Summary

The proposed works relate to the grade II* listed Sidholme Hotel, a substantial gothic villa with a spectacular octagonal music room, which originally started as two earlier Cottage Orne properties.

The works proposed will irreversibly subdivide and fragment this important site. This would result in the isolation of the most sensitive part of the site, the music room and associated Richmond House, increasing the challenges it might face in identifying a sustainable medium to long term future. At present there is no clear intention on how the whole complex will be delivered, in particular with respect to this part of the site.

Consequently, there is no clear and convincing justification for the proposed work and it cannot be demonstrated that this forms the optimum viable use for the site. As a result Historic England objects to the proposals on heritage grounds.

Historic England Advice

Significance of Sidholme Hotel

Sidholme Hotel is located in an area known as Elysian Fields and is a substantial gothic villa. It originally consisted of two large Cottage Orne properties, Richmond

House and Cumberland Cottage, that were built during the Regency period. Sidmouth grew as a popular holiday destination during the late 18th/ early 19th century for the wealthy gentry including some royalty and the speculative development of Elysian Fields was a result in this growth in popularity.

Richmond House was extended, when the Earl of Buckingham, the then owner, built the Music Room, a suite of private accommodation to the west along with the Billiards Room in the 1850s. The two cottages were amalgamated to form one large property in 1880s, although evidence of their former arrangement can still be appreciated within the elevation, floorplan and internal features. The house has more recently been a hotel set up by the Methodist Guild from the 1930s, however, this shut in 2020.

Sidholme now sits within extensive sylvan grounds, contributing to the character of the area and reflecting its name Elysian Fields. Some modern development including the extensive carparking has occurred to the north. This area retains a back of house character reflective of its former historic arrangement.

Due to its more than architectural and historic special interest, Sidholme has been listed at grade II* and forms the top 2.5% of all listed buildings in England. Its grounds also contribute to the significance the house derives from its setting. Finally, the site also forms an important part of Area 3 of the Sidmouth Conservation Area, contributing to its character and appearance.

Impact of the proposed works

The application is for a primarily residential led scheme covering both the associated outbuildings and the main house with the Music Room and associated Richmond House forming a commercial entity, the details of which have not yet been established.

Pre-application advice given

Historic England provided pre-application advice on this revised approach before the application was submitted. We raised initial concerns regarding the impact of the approach on the sustainability of the Music Room as well as the wider issues surrounding the fragmentation of the site and the impact this could have on the ongoing sustainability of those most sensitive elements. A number of further investigative works were required in order to identify the optimum viable use for the site and to ensure the ongoing sustainability of these important heritage assets.

Although a greater degree of the building is now being retained with the Music Room, the investigative work requested has not yet been undertaken.

Proposed works

The current scheme seeks to propose a number of works to create residential units within the site, utilising existing consents and new works. It also seeks to change the planning status of a number of properties on the site. This includes -

- o Converting Cumberland Cottage (rear section of main house) into 4 residential units including change of use.
- o Continue with the approved Garage conversion in 4 townhouses and sale (LPA ref 23/0992/LBC & 23/0991/FUL)
- o Retain Sidholme Hotel (formerly Richmond House) and Music Rooms as a single entity, for commercial uses.
- o Change of use of Staff cottage to be converted in line with approved application LPA ref 24/0035/LBC.
- o Detached bungalow seeking to remove restriction for hotel manager accommodation only.
- o Change of use for the Annex, which was converted in line with LPA ref 21/2805/LBC.

The extent of the proposed subdivision would by its nature introduce a high degree of fragmentation into the site. In terms of the physical impact, the application lacks details on how the subdivision of the properties and the landscape would be implemented. We would expect to see plans, sections and elevation in respect of the main properties being provided along with the relevant supporting documentation. In terms of the landscape, a landscaping plan would also be beneficial to see how any new hard or soft landscaping might impact on the setting of the building.

Meanwhile, the fragmentation of the site also could impact on the ongoing conservation of the historic assets.

The application as presented, seeks to convert and adapt the most easily accessible part of the site, selling them off. This would leave those more sensitive areas for change, the Music Room and Richmond House, albeit with greater floor area, with no clear long-term strategy for its ongoing conservation.

No evidence has been provided to demonstrate whether this form of development would even be commercially viable or practical, particularly located within what is proposed to be a primarily residential scheme.

Therefore, there are serious concerns about the practicality of the proposed approach, and whether this could place greater pressure on these spaces should the proposed use fail to accommodate further subdivisions and change within these more highly sensitive parts of the site. We would always advocate that a holistic approach is encouraged that seeks to identify the optimum viable for the whole site, ensuring that those more challenging aspects are integrated into any final solution.

Planning Policy Context

The council in their consideration of the scheme will need to consider the impact of the works in line with the NPPF.

- o The application should provide sufficient information to understand the level of impact on the significance of the affected heritage asset including appropriate drawings, plans and elevations (NPPF, Para 200).
- o Where impacts result in harm, any harm will need to be clear and convincingly justified with opportunities identified to avoid and minimise any conflict between the proposal and the conservation of the heritage asset (Para 201 and 206).

- o The scheme will need to demonstrate that it is securing the optimum viable use for the site (NPPF, Para 208). The optimum viable use is not necessarily the most economical solution but rather the most compatible to the heritage assets (PPG, Para 015 Reference ID: 18a-015-20190723).

- o Furthermore, the council in their consideration of the application should ensure that great weight is afforded to the conservation of the heritage asset. The more important the asset the greater that weight should be (NPPF, Para 205).

A Conservation Management Plan 2023-2028 has also been produced for the site. Any scheme will need to address the points section in the Policies and Action section.

Historic England's Position

Historic England recognises the importance of finding a sustainable solution for the site to enable its ongoing conservation in the medium to long term.

The current application does not give sufficient consideration as to how the more sensitive elements of the site, namely the Music Room and Richmond House, will be addressed as part of a long-term strategy for the site. As a result, the works as proposed could fundamentally undermine the future conservation of this asset through the wider fragmentation of the site and the isolation of these more sensitive elements.

In addition to a more comprehensive set of drawings and plans being provided (NPPF, Para 200), the following work needs to be undertaken in order to assist in identifying a robust solution for this important historic site.

- o Options appraisal - This will need to explore different uses and combinations of uses for the site. Consideration should be given to the density and types of uses proposed, which could include the configuration and balance of those uses across the site. Considering how the site will work in the medium to the long term.

- o Viability - Much of the rationale for the scheme is based in ensuring it is viable. The council will need to assess this as part of their consideration of the scheme. The council should be confident that any proposals are the minimum necessary to secure the future of the site. This should be based on robust evidence base and avoid any associated hope value that may be attributed to the site.

We appreciate this is not an enabling development scheme, however, Historic England's Enabling Development and Heritage Assets: Historic Environment Good Practice Advice in Planning Note 4 (June 2020) (HEAG ([historicengland.org.uk](https://historicengland.org.uk/images-books/publications/gpa4-enabling-development-heritage-assets/heag294-gpa4-enabling-development-and-heritage-assets/)) <<https://historicengland.org.uk/images-books/publications/gpa4-enabling-development-heritage-assets/heag294-gpa4-enabling-development-and-heritage-assets/>>) provides relevant information on the type of information that would be beneficial to show in respect of any viability scheme - this includes the sections on Market Testing and Value Assessment, and Development Appraisals.

- o Masterplan - A masterplan should then be developed that sets out the key elements of the scheme and demonstrate how the site has been considered

holistically. It should also consider how the various elements of the site will assist and support those more sensitive elements to change in the medium to long term.

At this current stage we do not consider the proposed level of subdivision and fragmentation of the site has been justified and would result in potentially high degree of harm to the ongoing conservation of Richmond House and the Music Room (NPPF, Para 201 and 206). Furthermore, it has not been demonstrated that this forms the optimum viable use for the site, providing a sustainable future for the complex as a whole (NPPF, Para 208).

Therefore, the application cannot be shown to give great weight to the conservation of the heritage asset, the more important the asset the greater should be.

Recommendation

Historic England objects to the applications on heritage grounds.

The current application lacks clarity on the impact of the scheme, the harm that would be caused as well as confidence that this delivers the optimum viable use for the site. At present, it does not present a clear and convincing justification for the proposed works.

Therefore, due to the potential level of harm that would be caused, the lack of a cohesive strategy for the site as well as the insufficient information to assess the detailed impacts of the scheme, Historic England objects to the application.

We consider that the issues and safeguards outlined in our advice need to be addressed in order for the applications to meet the requirements of paragraphs 200, 201, 205, 206 and 208 of the NPPF.

In determining these applications you should bear in mind the statutory duty of sections 16(2) and 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. Also section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Your authority should take these representations into account in determining the applications. If you propose to determine the applications in their current form, please inform us of the date of the committee and send us a copy of your report at the earliest opportunity.

If your authority is minded to grant consent for the LBC application in its current form, in light of our objection you should treat this letter as a request to notify the Secretary of State of the LBC application, in accordance with the above Direction.

Please contact me if we can be of further assistance.

Yours sincerely

Rhiannon Rhys
Inspector of Historic Buildings and Areas
E-mail: Rhiannon.Rhys@HistoricEngland.org.uk

cc: Planning Conservation, EDDC

Historic England 20/12/24

Thank you for your letter of 8 October 2024 regarding further information on the above application for planning permission. On the basis of this information, we offer the following advice to assist your authority in determining the application.

Historic England Advice

Significance of Sidholme Hotel (also known as Richmond Hotel)

The grade II* listed Sidholme Hotel was part of a speculative development known as Elysian Fields and consisted of a group of cottage orné houses built in the late 18th/early 19th century. The current property is formed from 2 of the original buildings, Richmond House and Cumberland Cottage.

The property was extended into a substantial gothic villa with the addition of the particularly fine music room with rococco influences and was built for the Earl of Buckingham in 1826. It was further extended and amalgamated with the adjoining cottage in 1880. The house has more recently been a hotel set up by the Methodist Guild from the 1930s, however, this shut in 2020.

Due to its more than architectural and historic special interest, Sidholme has been listed at grade II* and forms the top 2.5% of all listed buildings in England. Its grounds also contribute to the significance the house derives from its setting. Finally, the site also forms an important part of Area 3 of the Sidmouth Conservation Area, contributing to its character and appearance.

Impact of the proposed works

Following our previous letter and subsequent meeting, we have discussed the proposals with our Development Economics Team. Please be aware that this letter should be read in conjunction with our previous correspondence (dated 2 September 2024).

We are aware that the applicant has provided a detailed response to our last letter, however, we feel that following the input from our specialist advisor, it would be more beneficial to set out the information requested to enable us to assess the impact of the proposals and the justification for the proposed works, rather than responding to those points raised in detail.

We note that the council has requested new information and the following might assist in helping to inform and frame that request further-

Options Appraisal -

- o The aim of the option appraisal is to identify the optimum viable use for the site. This means the use that will deliver the least harmful long term beneficial use, and is a viable concern - i.e. raises enough money to pay for the site's ongoing operation and maintenance. However, it is also important that any appraisal should also look at the deliverability and upfront development viability of the different options (including things like grant funding and new development to plug again deficits).
- o Some work on this has been undertaken to date regarding different use options on the site. However, we a wider range of options needs to be considered. We suggest starting from scratch, rather than assuming the existing planning uses are the only option available, , which will also allow for the site to be treated holistically. This will avoid the appearance of the justification looking as it is being fitted to support the solution, instead of clearly demonstrating that this is the right approach to address this complex, in securing its optimum viable use.
- o The focus on the appraisals to date has been on cash flow once operational, however careful consideration about the upfront costs need to be considered as part of any appraisal.

Costed Condition Survey - as part of any options appraisal, understanding what the cost of repair and any conservation work will be a key consideration. A costed condition survey will provide the base line for working out what the conservation deficit for the site, what is required to deliver the works and what the final profit will be at the end.

A detailed document setting out exactly what is being proposed - there is still some confusions and inconsistency within supporting information as to what is being proposed for each building. We would ask that a list or table is created setting out for each building the following-

- o the proposed use (is it holiday or residential, elaborating on the broad C3 reference to date),
- o the ownership, whether it is being retained or sold,
- o what income will it generate for the estate/ applicant

Review of the Valuation Assumptions - on review of the Valuation Assessment, there does appear to be some inconsistency between the narrative presented connected to the uses of each property, and the discounts applied to the values for each property in the calculation part of the valuation report. It is also not clear whether these assumptions and valuation adjustments accurately reflect the applicants' intentions for the site and the plans listed in other documents submitted. . The council will need to review this to ensure the figures and values applied are correct

A clear phasing plan - this is to set out how it is envisaged the funds will move through the site, how each building will be delivered and how that will then facilitate the rolling programme of works. Setting this out clearly will help to articulate the narrative on how it is intended to progress the works and how they are intended to be funded. This will also help set out the benefits of each part of the proposed works and consequently, contribute to establishing a robust justification.

A detailed Business Plan - this plan will need to include a thorough market analysis of demand and supply, including competitors, what they charge, the number of weddings and events they hold, occupation rate of the holiday lets etc. This needs to utilise relevant expertise to evidence the income and operational and maintenance costs for the different uses and to help demonstrate it is viable.

In cases such as this, we would advise the council to undertake an audit of the business plan, costings and financial information provided. This would usually be undertaken by independent consultants with the necessary expertise, commissioned by the council, and paid for by the applicant.

However, at this stage, a more detailed, ordered and thorough explanation of the proposals needs to be undertaken in line with the advice set out above in order to provide the auditor with clear and thorough information to audit and to best assist the applicant in demonstrating their case that the current proposals forms the optimum viable use for the site.

In addition to these larger items, we have some specific questions in respect of the information that has been provided to date.

“Funding Costs” - in the Document referred to as “Comment date Thursday 3rd September 2024 - Response 9th September 2024” under OPTIONS OF USE V SUSTAINABILITY, the funding cost is referred to in two of the costings but not the final option. It is not clear what this is made up of and why it has not been included in the 3rd scenario (Wedding/Music Venue and Leasehold Monthly Income). However, it seems to be fundamental to the viability of the other scenarios and therefore requires further clarification.

In terms of the lump sum (£350 per unit per month), which is identified as being paid from the various lease holders from within the site, further clarification is required on what this charge is for. Will this be on top of the service charge or included? This is a key part of the proposals and requires further explanation, as well as market evidence to demonstrate that this sum is in line with market norms, and something which would not make the purchase of the long leasehold unattractive or unviable for potential investors.

Furthermore, clarification is required as to how the developers intend to guarantee that the long lease holders will not look to buy out the free-hold as they may be legally able to do - further details can be found on the following link - <https://www.gov.uk/leasehold-property/buying-the-freehold>.

Policy Context

The council in their consideration of the scheme will need to consider the impact of the works in line with the NPPF (revised December 2024). We have previously highlighted the need to give particular consideration to Para 207 (formerly 200), Para 208 (formerly 201), 212 (formerly 205), 213 (formerly 206) and 215 (formerly 208).

Historic England's Position

Historic England acknowledges through the ongoing dialogue with the applicant, that they are confident that the proposed scheme forms the optimum viable use for the site. Unfortunately, at present, further detail is required to justify that these conclusions. We would encourage further works to be undertaken to clearly and objectively set out the proposals in a systematic, clear and transparent manner, addressing the points raised above and the additional information requested. In so doing, this should aim to demonstrate to the council on how they intend to deliver this site and why this is the best means by which to achieve it. The advice set out above will help in articulating and rationalising this process.

There are some specific elements that require further clarification, in order for us to better understand the outcome of the assessments undertaken to date, which we would encourage is included as well.

We would welcome the opportunity to advise further as and when this information is provided. If it would be beneficial, once submitted, a meeting with our Development Economics Team could be arranged to visit the site in conjunction with the council in order to further assist in determining what constitutes the optimum viable use for the site.

Recommendation

Historic England objects to the application on heritage grounds.

This is due to the lack of clarity regarding the impact of the scheme and the lack of confidence that the scheme will deliver the optimum viable use for the site. At present, the works have not been clear and convincingly justified.

We would encourage the applicants to review the information within this letter to assist in producing the information required to help assess the proposals. Once provided, HE would be able to attend a visit with our Development Economics Team to discuss the scheme further.

We consider that the application does not meet the requirements of the NPPF (revised December 2024), in particular paragraph numbers 207, 208, 212, 213 and 215.

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. Also section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Your authority should take these representations into account in determining the application. If you propose to determine the application in its current form, please inform us of the date of the committee and send us a copy of your report at the earliest opportunity.

Please contact me if we can be of further assistance.

Yours sincerely

Rhiannon Rhys

Inspector of Historic Buildings and Areas

E-mail: Rhiannon.Rhys@HistoricEngland.org.uk

County Highway Authority

Observations:

I have visited the site and reviewed the planning application documents, the site access is forecasted to change very.

The trip generation from the C1 Hotel use to C3 residential use and the annexe apartments to C3 holiday use, together with the various lifting restrictions, should not alter greatly.

Therefore in summary the County Highway Authority (CHA) has no objection to this planning application.

Recommendation:

THE DIRECTOR OF CLIMATE CHANGE, ENVIRONMENT AND TRANSPORT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, HAS NO OBJECTION TO THE PROPOSED DEVELOPMENT

Officer authorised to sign on behalf of the County Council
2024

4 November

Clerk To Sidmouth Town Council

PARTLY SUPPORT

Members found it difficult to continue to support the proposal to change the use and dispose of parts of the main house and would like to see a concise business plan to indicate how the main house might be retained in its integrity.

Statement on Human Rights and Equality Issues

Human Rights Act:

The development has been assessed against the provisions of the Human Rights Act 1998, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Equality Act:

In arriving at this recommendation, due regard has been given to the provisions of the Equality Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.