

SIDMOUTH SIDFORD  
(Sidmouth)

08/0683/FUL

Target Date: 25.05.08

Applicant:

P Mitchell

Location:

Land adjacent to 148 Sidford Road, Sidford, Sidmouth

Proposal:

Erection of dwelling

### **Consultations**

#### **Devon County Council - County Highway Authority**

The access to the site is not ideally situated with it being positioned so close to the signalised crossroads. In addition, visibility at the access onto the A375 is impeded by roadside boundaries. Despite these deficiencies I am mindful of the fact that the site is currently used as a builder's yard, which has the potential to generate a similar or greater level of traffic than the proposed dwelling, and therefore a highway objection would be unreasonable. This application satisfies our previous concerns of adequate turning and parking facilities and therefore I recommend this application for approval.

Requested additional comments awaited.

#### **Contaminated Land Officer**

I have checked our current database of potentially contaminative and landfill sites and have the following comments to make: There are no known landfill sites on, immediately adjacent to or within 250m of the development site. Because the proposed development is previously developed land, with the potential to be contaminative and part of the proposed development is within 50m of the boundaries of several former / current potentially contaminative land uses, I recommend a phased condition to secure the assessment of the site, its investigation, the carrying out of any necessary remediation measures and the validation of their efficacy.

#### **Property Services, Economy Directorate**

Confirms no objection from an estates management point of view. The site adjoins the Council's public open space and footpath link from Sidford Road to the public car park and the proposed development would not adversely affect this land.

#### **Economic Development Officer**

Does not object to the change of use of this small site.

#### **Sidmouth Town Council**

APPROVE. This was considered to be a good use of redundant industrial land in this particular area.

#### **Ward Members**

No comments received.

#### **Representations**

SUPPORT: One resident of Sidford writes:

*"I would like to support Mrs Mitchells application to change the builders yard into a dwelling. I have a side access gate that leads out into the builders yard, this access could be difficult if another business was to take over this yard."*

The application was accompanied by an expanded Design and Access Statement, outlining the case for the loss of the employment function on the site. The relevant sections of the statement are attached to this report.

### **Relevant Planning History**

07/2869/FUL	Demolition of buildings and erection of dwelling	Refused 17.01.2008.
81/P0542	New store sheds for builder's yard.	Approved 02.06.1981
79/C0438	Two one-bedroomed flats.	Refused 07.08.1978
74/C0126	Replacement of garage and store with flat over.	Refused 03.09.1974

### **Planning Policy**

#### National Planning Policy:

PPS 1 - Delivering Sustainable Development  
PPS 3 - Housing  
PPG 4 – Industrial, Commercial Development and Small Firms  
PPG 13 – Transport  
PPG15 – Planning and the Historic Environment  
PPS 23 – Planning and Pollution Control

#### The Development Plan:

##### *Devon Structure Plan 2001 – 2016*

ST1 – Sustainable Development  
ST3 – Self-Sufficiency of Devon's Communities  
ST4 – Infrastructure Provision  
ST15 – Area Centres  
ST18a – Mix and Type of Housing  
ST20 – Re-assessing and Safeguarding Employment Land  
CO6 – Quality of New Development  
CO7 – Historic Settlements and Buildings  
CO11 – Conserving Energy Resources  
CO13 – Protecting Water Resources and Flood Defence  
TR1 – Devon Travel Strategy  
TR2 – Co-ordinating Land Use/Travel Planning  
TR5 – Hierarchy of Modes  
TR7 – Walking and Cycling  
TR10 – Strategic Road Network and Roadside Service Areas

##### *East Devon Local Plan 1995 – 2011*

S4 – Development within Built up Area Boundaries  
S7 – Infrastructure Related to New Development  
D1 – Design and Local Distinctiveness  
D2 – Sustainable Construction  
D4 – Landscape Requirements  
EN11 – Preservation and Enhancement of Conservation Areas  
EN15 – Control of Pollution  
EN21 – Surface Run-off Implications of New Development  
H1 – Residential Land Provision

E1 – Provision of Employment Land  
E3 – Safeguarding Employment Land and Premises  
RE3 – Open Space Provision in New Housing Development  
TA1 – Accessibility of New Development  
TA7 – Adequacy of Road Network and Site Access  
TA9 – Parking Provision in New Development

### **Site Location and Description**

This 16m x 12m rectangular plot of land lies on the south east side of the A375 separated from its frontage by a small area of landscaping (owned and managed by the Local Authority). The crown of a substantial holly on this Council landscape strip overhangs the north western part of the application site.

The whole of the plot falls within the built-up area of Sidmouth, and the Sidford Conservation Area designation abuts the site to the north and west.

The plot is set about 1m below the level of the main road, with a gentle incline on its 3-4m wide access drive. To the south west the gabled end of no. 148 Sidford Road defines the site boundary. This 2-storey and attic house is the end of a straight terrace of four brick and slate-roofed homes, each with 2-storey bay window projections fronting onto Sidford Road, which are set behind modest gardens separated from the footway by dwarf brick walls and railings. To the south east of the site the half hipped roof of the 2-story Surgery building stands within a few metres of the site boundary, visible from Sidford Road and the Sidford Cross junction with the A3052. A pedestrian link with mainly grassed border edges the north east boundary of the plot.

The site is occupied by a single storey monopitch-roofed range of storage sheds, constructed in blockwork with corrugated sheet fibre cement roofing. A very narrow block and sheet roofed structure stands against the flank boundary of the rear garden/yard of no. 148, next to which an access gate leads from this neighbouring garden onto the site.

The property was most recently used as a builder's store and still contains a large stock of building materials and waste. A good rubble stone wall, some 1.5 m high, defines the north west boundary and a brick wall of similar height borders the north east side of the short driveway.

### **The Proposed Development**

Full planning permission is sought for the demolition of all existing structures on the site and the construction of a 3-bedroomed house, together with 1 parking space, a turning head and a small rear garden. This application is for a revised scheme following the refusal of similar in January this year (determined by Development Control Committee at the 15.01.08 meeting – a copy of the report and the plans for application 07/2869/FUL are attached for information). The current application shows essentially the same layout and footprint of building (although with a slightly enlarged porch and pent roof across the north west elevation), but with changes to its detailing, comprising a projecting brick plinth, a sharpened roof pitch, decorative ridge tiles, a chimney stack, the use of side hung casement windows (material unspecified), dressings of buff brickwork arches, sills and (on the front elevation) cheeks to match quoins, and the aforementioned glazed and timber porch with open veranda. Additional gable end windows (in the north east and north west elevations) now provide light to the full height attic space, although the floor plans do not indicate stair access to or use of this area. An additional ground floor window in the south west elevation would look onto the parking space and towards the boundary wall of the adjoining dwelling. As before, walls are to be finished in brick, under a slate roof.

The front of the house would stand approximately 5 m back from the building line of the neighbouring terrace, (no.s 142 – 148), just forward of the rear wall plane of the terrace. Parking and turning is shown much as before, although the extended veranda with ramped access to the front door impinges on the turning radius – the further comment of the highway

authority is sought on this point. A small garden area is indicated between the new building and the surgery. No alterations to the existing drive are shown.

### **Consideration and Assessment**

The main planning issues to be considered for this proposal are as before:

- The principle of an additional dwelling in this location;
- The loss of employment land;
- The impact of the design and layout of the development on its context;
- The effect of the proposal on the adjoining Conservation Area;
- The impact of the development on neighbouring residences/uses;
- Transport and access matters, and
- Sustainability issues.

### **Additional Dwelling**

The site lies in the built up area of Sidmouth, within a mix of other land uses (predominantly housing, with community facilities and public open space) and close to a number of retail and other commercial units focussed around the crossroads. The site is well served by pedestrian links and by public transport. The grain of development in the area is mixed, but with some regular, compact terracing of houses to the south of the site. With the development of an additional home on this plot, the resultant housing density for the locality would be appropriate to its built-up area status. This is considered to be an acceptable location for a new dwelling from a strategic viewpoint, subject to the satisfaction of other relevant planning policy.

### **Loss of Employment Land**

The previous scheme was considered not to accord with policy relating to the retention of employment sites as no economic evidence had been put forward to justify the change of use of the site. The information provided on the applicant's behalf now is considered to have given the necessary justification, and the proposal may be viewed as being in accordance with the development plan.

### **Design and Layout**

It is felt that the revised design of the proposed development would have an acceptable impact on the visual quality of the locality. The proposed footprint of the building remains as previously shown, but its form now has a more appropriate vertical emphasis (effected by the increase of the roof pitch and window alterations in particular), which would compliment the individual houses making up the neighbouring terrace, with which it would be read. The scheme is now considered to be an appropriate visual terminus to this terrace, when viewed from the busy crossroads.

The detailing of the building has been changed, addressing each of the criticisms set out in the previous report, although materials are not fully specified for windows and rainwater goods (a matter that can be secured by condition).

The holly trees and other planting on the Council-maintained landscape strip fronting the site must not be endangered by any demolition, construction or hard-surfacing works carried out on the site, as these green elements provide an important softening effect on the appearance of this part of the settlement, particularly in relation to the bulky surgery building behind.

The plot dimensions provide enough space for parking, turning and private garden areas for new residents, and given the grain of development close to the site, the proposed orientation and footprint of the proposed dwelling within this plot is considered not to represent "town cramming".

The council's normal requirement for a contribution towards the provision of additional or improved public recreational space applies to this proposal, especially as the area for outdoor

play within the site indicated is very limited. The applicant has confirmed that they have no objection to entering into a Section 106 agreement with the Council on this score provided it accords with government guidance, and the matter is in hand.

### Conservation Area Impact

Any development on this site, which is edged by the Conservation Area on its two open sides, would have a clear impact on the character and appearance of that Area, the special form and visual qualities of which have been designated worthy of protection. The existing built forms on the site do not contribute positively to the aesthetic value of the area, with the exception, potentially, of the stretches of rubble stone wall on the site's boundaries. Appreciation of these elements is difficult though, because of the screening vegetation adjoining the site.

In its revised form, the proposed development is considered to accord with policy in the development plan and national guidance, in that the design of the building would now preserve and enhance the character and appearance of the adjoining Conservation Area.

### Neighbouring Uses Impact

The development would not damage the private residential amenities of adjoining housing, as the footprint and orientation of the proposed building within the site has been carefully selected to ensure no unacceptable intervisibility between new and existing occupiers. Even with the new ground floor south-west-facing window, no overlooking of private residential amenity space of neighbouring properties would ensue, and the insertion of any further windows in the walls or roof plane of the building can be controlled by condition to safeguard against such occurrence in the future.

Traffic movements to and from a new single dwelling are not likely to be greatly different from those generated by the existing use. Although the proposed parking space for the dwelling would be located right next to the side wall of the rear garden to no.148, rather than being shielded from it by the existing narrow storage structure as is presently the case, it is considered that the proposal would not result in an increase in disturbance to adjoining residents. The development could, potentially, represent an improvement in residential amenity terms, as many employment uses can be viewed as sources of disturbance from noise, dust, fumes etc. (No complaints relating to operations on the site have been noted, however).

### Transport and Access Matters

The proposal shows a single parking space and an on-site turning head, both of which are considered by the Highway Authority as being adequate and essential for the scheme. This is not a town centre location where it may be appropriate to allow or require no car parking provision at all, but neither is it a remote location where the maximum number of car parking spaces (2) could/would be appropriate. An on-site turning facility must be provided as certainly no vehicle should reverse onto the A 375 from the site. (Visibility at the site access onto this main road is restricted enough for forward-moving vehicles.) There is no land indicated as being within the control of the applicant to secure better visibility at the access point, nor any opportunity to widen the drive mouth, to enable a vehicle to turn left from the site without crossing the centre of the carriageway into the path of on-coming vehicles. These are limitations currently experienced in the authorised commercial use of the site however, and the proposed development would not worsen the existing situation.

The site enjoys good pedestrian links with retail and community facilities in Sidford itself, and adequate space is available within the site for the storage of at least two cycles. Regular bus services to a number of close and longer range destinations stop on their route through Sidford, providing good links for residents to work, school, commercial, leisure and other destinations.

### Sustainability

This site is considered to be appropriate for a new dwelling, as it comprises brownfield land within a built-up area well served by local services and good public transport. The loss of employment premises in the locality would reduce opportunities for employment within close (walking) distance of residential accommodation, diminishing the self-sufficiency of the community, but as outlined above, this issue is considered to have been addressed in the representations made within the Design and Access Statement.

As with any new build project this scheme represents the chance to use resource-efficient materials and construction methods, and to incorporate micro-renewable energy generating installations, to minimise its carbon footprint and most efficiently manage water resources. PPS1 also advises that good design is intrinsic to sustainable development, and this scheme now satisfies that requirement. The appropriate disposal of the waste materials from the demolition of the buildings should be specified, a matter which can be secured by condition.

On balance, this proposal is now considered to represent a sustainable form of development.

### **Conclusion**

The revised design of the dwelling, and the additional planning statement relating to the contribution of the site to employment opportunities in the area (supplied with this resubmission) together overcome the substantive reasons for the refusal of the previous scheme.

### **Recommendation**

Subject to the applicant entering into a legal agreement with the Council to secure the provision of public open space, and to the following conditions, the scheme is recommended for APPROVAL.

### **Conditions**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.  
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development ) Order 1995 or any order revoking and re-enacting that Order with or without modification) no openings other than those shown on the approved plans shall be let in the south west elevation of the dwelling hereby permitted.  
(Reason - To prevent damage to the amenities of adjoining occupiers as a result of potential overlooking, in accordance with national and local planning policy and guidance, as set out in PPS1, PPS3, policies ST1 and CO6 of the Devon Structure Plan 2001 – 2016, and policies S4 and D1 of the East Devon Local Plan 1995 – 2011).
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no works shall be undertaken within Schedule 2 Part 1 Classes A, B, C, D or E for the enlargement, improvement or other alterations to the dwelling hereby permitted, other than works that do not materially affect the external appearance of the buildings, or for the provision within the curtilage of any building or enclosure, swimming or other pool, [other than any enclosure approved as part of the approved landscaping].  
(Reason – To prevent damage to the character and appearance of the area or to the amenities of adjoining occupiers as a result of the expansion of the buildings, in accordance with national and local planning policy and guidance, as set out in PPS1, PPS3, policies ST1 and CO6 of the Devon Structure Plan 2001 – 2016, and policies S4 and D1 of the East Devon Local Plan 1995 – 2011).

4. Prior to the commencement of the development hereby permitted details of the materials to be used for the walls, roofs, fenestration, doors and rainwater goods shall have been submitted to and approved in writing by the Local Planning Authority, and the development shall be completed in accordance with the approved details.  
  
(Reason - To secure a satisfactory appearance for the development, in the interests of the special visual quality of the rural environment in this part of the East Devon AONB, in accordance with the criteria set out in policies ST1, CO3 and CO6 of the Devon Structure Plan 2001 - 2016 and policies S4 and D1 of the East Devon Local Plan 2006).
5. Prior to the first occupation of the development hereby permitted, the car parking and turning facilities for the development shall be laid out in accordance with the approved plans and shall be retained free of obstruction for these purposes for the duration of the occupation of the development.  
  
(Reason - To comply with national and local planning policy, as set out in PPS 1 – Delivering Sustainable Development, PPG 13 – Transport and policies TR7 of the Devon Structure Plan 2001 - 2016 and TA9 of the East Devon Local Plan 1995 – 2011).
6. Prior to the commencement of any works of demolition associated with the development hereby permitted, details of measures to minimise and mitigate the effects of waste material production from the development shall be submitted to and approved in writing by the Local Planning Authority, and the development hereby permitted shall be effected in strict accordance with these details, unless otherwise agreed in writing by the Local Planning Authority.  
  
(Reason - To secure the implementation of an appropriate regime of sustainable waste management for the development, in accordance with the objectives of PPS 1 - Delivering Sustainable Development - Delivering Sustainable Development).
7. Prior to the commencement of the development hereby permitted, including the demolition of the buildings on the site, details of the means of protection for trees close to the construction site shall have been submitted to and approved in writing by the Local Planning Authority. These details shall follow guidance set out in BS 5837: 2005, and the development shall be carried out in accordance with the approved details.  
  
(Reason - To secure the retention and protection of trees within close proximity of the development, in the interests of the integration of the development with its location, in accordance with local and national planning policy and guidance, as set out in PPS1, policies ST1 and CO6 of the Devon Structure Plan 2001 – 2016, and policies S4, D1 and D4 of the East Devon Local Plan 2006).
8. Prior to the commencement of the development hereby permitted details of the hard and soft landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority and the development shall be completed in accordance with the approved details.  
  
(Reason - To secure appropriate landscaping for the development, in the interests of the character and appearance of this part of Sidford, in accordance with the requirements of PPS1, policy CO6 of the Devon Structure Plan 2001 – 2016 and policies S4, D1 and D4 of the East Devon Local Plan 1995 – 2011).
9. Prior to the commencement of the development hereby approved, a contaminated land assessment and associated remedial strategy, together with a timetable of works, shall be submitted to and approved by the Local Planning Authority. The investigation and report shall be conducted and presented in accordance with the guidance found in CLR11 Model Procedures for the Management of Land Contamination: Phase1 Potentially Contaminated Land Assessment The contaminated land assessment report shall include a combined desk study and site reconnaissance (walk over) survey to be submitted to the Local Planning Authority for approval. The report must detail the historic and current site uses, details of the intended development scheme and propose a site investigation

strategy, present a Conceptual Model (as deemed necessary) based on the relevant information acquired and interpreted. The strategy shall be approved by the Local Planning Authority prior to investigations commencing on site.

**Phase 2 Site Investigation** The site investigation, including relevant soil, soil gas, surface and groundwater sampling, should be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology and in accordance with current technical guidance, including relevant British Standards and Construction Industry Research and Information Association (CIRIA) guidance. The site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the Local Planning Authority. The Local Planning Authority must approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless any identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.

**Phase 3 Remediation and Validation** Approved remediation works shall be carried out in full on site under a quality assured scheme to demonstrate compliance with the proposed methodology and best practice guidance. If during the works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority. Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the Local Planning Authority. The validation / closure report shall include details of the remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Such works include appropriate validation for imported soils. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site. Contamination Discovered during Development Process In any event, should any contamination of soil and/or groundwater be discovered during development of the site, the Contaminated Land Officer of the LA should be contacted immediately. Site activities should be temporarily suspended until such time as a procedure for addressing such contamination is agreed upon with the LPA and/or other regulating bodies. Basic Radon protection may be required, Geological assessment should be carried out.

(Reason – To secure appropriate safeguards with regard to the need for and achievement of any remediation of contaminated land within the site, in accordance with national and local planning policy and guidance as set out in PPS 23 and policy EN15 of the East Devon Local Plan 1995 – 2011).

## **Notes**

### 1. Reasons for Approval:

The proposal complies with National Government advice set out in PPS1 – Delivering Sustainable Development, PPS3 – Housing, PPG4 – Industrial, Commercial Development and Small Firms, PPG13 – Transport, PPG 15 - Planning and the Historic Environment, and PPS 23 Planning and Pollution Control.

The proposal complies with the Development Plan, with specific reference to policies ST1, ST3, ST4, ST15, ST18a, CO6, CO7, CO11, CO13, TR1, TR2, TR5, TR7 and TR10 of the Devon Structure Plan 2001 – 2016 and policies S4, S7, D1, D2, D4, EN11, EN15, NE21, H1, E1, E3, RE3, TA1, TA7 and TA9 of the East Devon Local Plan 1995 – 2011.

## **Informatives**

The developer and the occupiers of the proposed development are encouraged to incorporate energy and resource efficient and generating materials, equipment and practices into both the conversion works and the subsequent use of the development, subject to compatibility of such installations with the historic and architectural fabric of the building, in the interests of the protection of the environment, in accordance with national and local planning policy and guidance, as set out in PPS1, Development Policy G of the Draft Regional Spatial Strategy for the South West, policies ST1 and CO11 of the Devon Structure Plan 2001 – 2016, and policy D2 of the East Devon Local Plan 2006.

#### List of Background Papers

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