

OTTERY ST MARY TOWN 09/2482/FUL
(Ottery St Mary)

Target Date: 05.02.2010

Applicant: Mr and Mrs K & R McCabe

Location: Land adjacent Keppel Gate, Higher Ridgeway, Ottery St Mary

Proposal: Erection of detached dwelling (carbon neutral or negative) including ancillary outbuildings for storage/workshop use, installation of water turbine with associated landscaping work.

CONSULTATIONS

County Highway Authority

Apply standing advice.

Natural England

Object to the proposed development as a risk assessment of the impact of the wind turbine on bats and details of how any risk will be mitigated has not been submitted. If appropriate any survey details should also be provided. This will allow us to fully assess the impact the wind turbine may have. (Note - the wind turbine has been withdrawn from the application.)

Environment Agency

A flood risk assessment is required to assess surface water drainage and the proposed works on, over or near to any watercourses.

A flood risk assessment has been submitted and is acceptable to the Environment Agency.

TOWN/PARISH COUNCIL

Recommend Refusal:

The Committee does not support the application. Concerns raised:

- Outside the development line in open country
- Building size and scale too large for the site
- On a lane used widely by walkers and will lead to increased vehicular traffic
- Already problems with gravel wash-out along the unpaved lane
- Does the application need a Change of Use from agricultural use?

The Committee did recognize the considerable preparation made in this application and supported the sustainability concept and need.

WARD MEMBER(S)

No written comments received.

REPRESENTATIONS

Support

1 letter has been received raising the following points:

- This is an application that shows how houses will need to be built in the future with consideration for carbon neutral building in life and should be supported.

RELEVANT PLANNING HISTORY

App.No:	Proposal	Decision	Date
None Relevant			

PLANNING POLICIES

Government Guidance

PPS 7 Sustainable Development in rural areas

Devon Country Structure Plan (2001-2016)

ST1 - Sustainable Development
ST5 - Development priority 2001-2016
ST16 - Local Centres and Rural Areas
CO1 - Landscape Character and Local Distinctiveness
CO6 - Quality of New Development
CO10 - Protection of Nature Conservation Sites and Species
CO11 - Conserving Energy Resources
CO13 - Protecting Water Resources and Flood Defence
TR10 - Strategic Road Network

East Devon Local Plan (1995-2011)

S5 - Countryside Protection
D1 – Design and Local Distinctiveness
D2 - Sustainable Construction
D4 - Landscape Requirements
EN6 - Wildlife Habitats and Features
TA7 - Adequacy of Road network and site Access

SITE LOCATION AND DESCRIPTION

The site comprises an area of approximately 1.35 ha, located approximately 370m to the north east of the built up area of Ottery St Mary. The site is accessed by an unmade track off Higher Ridgeway which also serves a dwelling immediately to the east of the

application site. The access track is apparently maintained at public expense and is popular with walkers.

The site has a frontage to the access track of approximately 60m and a maximum depth of approximately 170m. The highest point of the site is adjacent to the southern boundary with the access track. The site then slopes down to the northern boundary which is marked by a small watercourse. Within the south western corner of the site there is an existing large modern agricultural building. The rest of the site is largely laid out to grass but with some boundary hedgerows, interspersed with trees.

The site is located within the defined open countryside, albeit a short distance from Ottery St Mary, and there are no landscape designations covering the site or locality. To the east of the site lies Keppel Gate which is another recently constructed cob house owned and built by the applicant.

PROPOSED DEVELOPMENT

Full planning permission is sought to demolish the existing buildings on site and construct a detached dwelling with outbuildings and incorporating a new access roughly central within the site frontage. The proposed dwelling would comprise two circular forms with a linking semi-solid, greenhouse structure. The construction for the walls would be predominantly cob on a local chert stone plinth. The roof would have a shallow curve, topped with a semi-intensive grass and wild flower mixture. All windows, doors and balconies would be constructed in timber comprising oak and sweet chestnut.

The proposed dwelling would be three storey but due to the levels of the site, the southern side would appear as two storey and the majority of the building would be below the level of the access track running along the southern boundary of the site. The building would have a maximum height of approximately 10m but this would appear at about 7.5m when viewed from the south side of the building. The main building would comprise 4 bedrooms with the smaller ancillary circular building comprising an annexe, studio and storage facilities.

Along part of the front and eastern boundary of the site, it is proposed to construct ancillary outbuildings for garaging, storage and workshop use. These buildings would be single storey apart from the small circular building which would be two storey to provide a cycle store/workshop, but this would only appear as single storey from the access track. Again, these outbuildings would be constructed in a mix of cob and chert stone, but with a slate roof incorporating solar photo voltaic panels on the southern elevation of the building fronting the access track. The area of the site to be developed would be generally terraced resulting in a cut and fill operation and the provision of some retaining walls and structures.

On the northern section of the site, it is proposed to construct a hydro-electric scheme utilising the small watercourse which enters the site along the eastern boundary. This would entail the construction of a small weir/forebay structure leading to a buried penstock which leads to a turbine housing adjacent to the northern boundary of the site.

The application has been accompanied by a Code for Sustainable Homes Pre-Assessment with an overall score of 94.3% which gives a code level 6 as it exceeds 90%. This means that the proposed dwelling is intended to be carbon neutral or better and is capable of exporting surplus power to the grid. The code requires compliance in

34 defined categories and although not all are mandatory at the lower levels of the code, in order to achieve level 6, very few credits can be discarded so all areas have been addressed. The code assessor has undertaken the pre-assessment during the design process of the scheme, but if planning permission is granted, a full design stage would be undertaken.

Full details of the CSH Code 6 Compliance Strategy and the applicant's Design and Access Statement are available to view on the Planning Website.

CONSIDERATIONS AND ASSESSMENT

The site is located outside the built-up area boundary of Ottery St Mary where generally the principle of residential development is contrary to policy. However, there are exceptions, but new houses in the countryside will require special justification for planning permission to be granted. Government advice contained within PPS7 - 'Sustainable Development in Rural Areas' states that 'very occasionally the exceptional quality and innovative nature of the design of a proposed, isolated new house may provide this special justification for granting permission. Such a design should be truly outstanding and ground breaking, for example, in its use of materials, methods of construction or its contribution to protecting and enhancing the environment, so helping to raise standards of design more generally in rural areas'.

This application has been submitted on the basis of the 'exceptional quality and innovative nature of the design' as outlined below.

Exceptional Quality

The applicant has a proven record of construction in cob and local materials. Members will be aware that the house immediately to the east of the site is a cob house constructed by the applicant and is generally considered a quality scheme and positively contributes to the modern housing stock but incorporating local and sustainable construction that has been used for many hundreds of years in this area. Construction in cob and stone is organic being built from the earth and allowing interesting forms entirely relevant to the rural environment and modern sustainable living. This is further enhanced by having a natural grass roof which will improve the rural setting and give the building a distinctive rural relationship with its surroundings which is extremely difficult to achieve through normal production materials and techniques. The materials for the construction are therefore natural, locally distinctive and although have been used for many hundreds of years, the treatment is clearly modern and relevant to contemporary living.

The materials used allow for an exciting form of the building incorporating two circular buildings with a glazed link that is both unusual and of a high quality. The design has an organic, curved form with both the walls and roof which makes the building sensitive to its rural setting and contemporary in terms of its sustainable credentials.

In terms of its design and use of materials, the building is considered to be exceptional and provides a significant enhancement of its immediate setting and is sensitive to the defining characteristics of the local area.

Innovative Nature

The Code for Sustainable Homes (CSH) was introduced in England in 2007 and is a standard designed to improve the overall sustainability of new homes by setting a single framework within which the home building industry can design and construct homes to higher environmental standards. The CSH uses a sustainability rating system as indicated by stars to communicate the sustainability performance of a home. A home can achieve a sustainability rating from one star to six stars depending on the extent to which it has achieved code standards. One star is the entry level - above the level of building regulations; and six stars at the highest level - reflecting exemplar development in sustainability terms.

A code level 6 house is carbon neutral and is extremely difficult to achieve. There are very few houses within the country built to a code level 6. Code level 6 is not compulsory and therefore it is innovative to achieve this as it involves looking at design in a radical way and highlights the way our society will need to progress in future years.

The code measures the sustainability of a home against nine design categories, rating the whole home as a complete package. The design categories are:- energy and CO² emissions, water, materials, surface water run-off, waste, pollution, health and wellbeing, management and ecology. A code assessor has undertaken a pre-assessment stage for the CSH (see attached) which goes through all the necessary categories and arrives at a weighted score of 94.3%. To achieve a level 6 rating requires a score in excess of 90% which at this initial assessment is achieved with some allowances for variations.

Therefore, in terms of its sustainability, the scheme is considered to be highly innovative and would constitute an exemplar development in sustainability terms. Not all the design work has yet been completed, and due to the importance of this factor in the acceptability of the application, it is recommended that should the application be approved, a condition be imposed to require the approval of further detailed design work, the submission of an interim certificate and the submission within 6 months of first occupation of a final certificate.

In view of the high quality of the design, the use of materials and the sustainability credentials of the house, it is considered that the proposed development is of an exceptional quality and is innovative such that it provides for the highest standards in contemporary architecture sufficient to comply with the advice given in PPS7 which justifies the special justification for planning permission being granted for houses in the countryside.

Due to the above considerations, the principle of the development is considered acceptable but there are other considerations which are outlined below:

Visual Impact on the Countryside

The site is located within the open countryside, although there are no designations giving the area special protection. The site is located a short distance from Ottery St Mary and there is development on the site and adjacent. It should be noted that there is a large modern agricultural building on the site which is in a poor condition and its removal in itself would enhance the area.

As stated previously, the design of the house is organic and rural which reflects its setting.

The site is on a slope with the main public views of the site being from the access track running along the southern boundary of the site. The site slopes away from this access track with the proposed development being set down below this level. The development would not therefore be particularly prominent from users of this access track with the grass roof being the main visible feature to view. The outbuildings along the front of the site are again set down a little below the road level and would appear as agricultural buildings.

Views from the north of the site are limited and generally long distance and would not be significantly greater than the current buildings on the site.

It is therefore considered that the development would not be prominent within the landscape and its general form and use of materials would enhance the rural setting of the site.

Access

The access to the site is via a single unmade track which currently serves the adjacent dwelling to the east. The condition of the track requires speeds to be kept low and there is unlikely to be conflict with walkers. The site can already generate agricultural activity and the additional usage is considered to be low key and unlikely to prejudice highway safety.

Drainage

The grass roof of the house would reduce the rate of water run-off; the driveways and parking areas would be permeable. Rainwater would be harvested for use within the house and this would reduce the amount of surface water run-off from the site.

Foul sewage from the site would go to a septic tank and then to a reed bed system to a pond.

Flood Risk

Flood Zone 2 and 3 encroach a small amount into the site at the bottom end adjacent to the northern boundary and it is proposed to install a hydro-electric scheme. The applicant has submitted a flood risk assessment which satisfies the Environment Agency.

Amenity and Privacy Issues

The only possible other house which could be affected is located directly to the east of the site. Due to the distances involved and the intervening workshop building, there would be no unreasonable loss of privacy or amenity for occupiers of this existing dwelling.

Workshop Uses

The applicant is self employed and requires a number of workshops and storage uses. The area of the buildings concerned is not excessive and generally encouragement

should be given to the facility to work from home and reduce the need to travel. However, should planning permission be granted, it is recommended that a condition be imposed to require that the workshops and storage are operated purely ancillary to the occupation of the main house.

Location in relation to public transport and services

Although the site is located within the countryside, nevertheless, the site is within walking distance of Ottery St Mary where there is access to public transport and services.

Wildlife

An ecologist's report has been submitted with the application principally in relation to the requirements of the CSH. The report concludes that the development should lead to no significant net loss of the ecological diversity of the site. Natural England were consulted on the application and raised concerns that a risk assessment of the possible impact of the wind turbine on bats had not been done. Accordingly, the applicant decided to remove the wind turbine element from the proposal and make up the shortfall in electricity generation by increasing the number of solar PV's on the roof of the workshop.

It is possible that at some time in the future a separate planning application will be submitted for a wind turbine which will need to provide the necessary risk assessment and mitigation.

CONCLUSIONS

New houses in the countryside require special justification. It is considered that the exceptional quality and innovative nature of the proposal provide special justification as outlined within PPS7. The design is outstanding and provides an enhancement of the immediate setting and gives an example of how in the future rural buildings could be provided to be both relevant to the rural surroundings and sustainable. This scheme would not be prominent within the landscape and the general design and use of materials would help blend it into the area. Whilst the concerns of the Town Council are noted for the reasons set out above, it is considered that permission should be granted subject to conditions. The conditions require the new building to comply with Code Level 6, as well as restrict further changes to the site.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development shall not begin until a report indicating the full detailed design together with an interim certificate to show that the dwelling hereby permitted shall meet level 6 of the Code for Sustainable Homes have been submitted to the Local Planning Authority. The development hereby permitted shall be carried out in accordance with the submitted detailed design report and interim certificate.

Within 6 months from the date of first occupation of the dwelling hereby permitted, a copy of the final certificate under the Code for Sustainable Homes shall be submitted to the Local Planning Authority.

(Reason - The site is located in a rural area where planning permission for new housing would not normally be allowed. The exceptional sustainable qualities of the development are considered to be a special justification and construction to code level 6 as a recognised standard is required to measure the sustainability of the development.)

3. No development shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority; such a scheme to include the planting of trees, hedges, shrubs, herbaceous plants and areas to be grassed. The scheme shall also give details of any proposed walls, fences and other boundary treatment. The landscaping scheme shall be carried out in the first planting season after commencement of the development unless otherwise agreed in writing by the Local Planning Authority and shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.
(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area.)
4. No development shall take place until a detailed scheme and plans covering the hydro-electric (including forebay, penstock and turbine housing) element of the development proposals have been submitted to and agreed in writing by the Local Planning Authority. The development shall not proceed other than in accordance with details as may be agreed.
(Reason - In the interests of the appearance and character of the area.)
5. No development shall take place until details of the roofing material and solar voltaic panels for the outbuildings hereby permitted, including construction details of the solar panels, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
(Reason - To ensure that the roof materials, including the solar panels, are as flush with the roof as possible in the interests of the character and appearance of the area.)
6. Prior to the commencement of development, a 3-5 square metre sample panel of stone walling to be used shall be constructed on site for inspection by an officer of the Local Planning Authority. Any such sample provided shall be agreed in writing with the Authority and any variations as to coursing, pointing and the type of stone to be used. All stone walling as may be agreed, shall be completed prior to the beneficial use of the building to which the application relates.
(Reason - In the interests of the appearance and character of the area.)
7. The annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling hereby permitted.
(Reason - The annexe is not suitable for the independent residential occupation.)
8. The outbuildings hereby permitted comprising garaging, storage and workshops shall only be used and operated in conjunction with, and ancillary to, the use of

the dwelling hereby permitted as a single dwelling house and shall not be used as separate commercial, industrial or business purposes.

(Reason - The outbuildings are unsuitable for independent commercial use which could cause undue noise and conflict with the amenity of adjacent occupiers.)

9. The process that is carried on and the machinery that is installed within the workshop hereby permitted shall be restricted to Class B1 of the schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended).
(Reason - To protect adjoining occupiers from noise and disturbance.)
10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (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, 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 landscape management scheme].
(Reason - To enable the Local Planning Authority to control extensions and alterations that would not normally require permission in the interests of the appearance of the development.)
11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, as amended, (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected within the curtilage of the dwelling house except for those shown on the approved drawings and plans or as may be agreed as part of the landscaping scheme.
(Reason - In the interests of the character and appearance of the development and its setting within the rural landscape.)

Informatives.

Reasons for approval

1. The proposal complies with the Devon Structure Plan 2001-2016 Policies ST1 - Sustainable Development, ST5 - Development priority 2001-2016, ST16 - Local Centres and Rural Areas, CO1 - Landscape Character and Local Distinctiveness, CO6 - Quality of New Development, CO10 - Protection of Nature Conservation Sites and Species, CO11 - Conserving Energy Resources, CO13 - Protecting Water Resources and Flood Defence and TR10 - Strategic Road Network.
2. The proposal complies with the adopted East Devon Local Plan 1995-2011 Policies S5 - Countryside Protection, D1 – Design and Local Distinctiveness, D2 - Sustainable Construction, D4 - Landscape Requirements, EN6 - Wildlife Habitats and Features and TA7 - Adequacy of Road network and site Access
3. The proposal does not adversely affect the privacy or amenity of neighbouring properties.

4. The design and external appearance of the proposal does not harm the visual amenity of the site and surrounding area.
5. The proposal makes adequate provision for the disposal of foul/surface water in the interest of flood/pollution prevention.
6. The proposal does not cause a significant flood risk.
7. The exceptional quality and innovative nature of the design provides special justification for granting planning permission in this countryside location.
8. The dwelling has been designed at the highest sustainable rating to reflect the exemplar development in sustainability terms.

Approved plans

0927/01 Site Survey 11 Dec 2009
Location Plan 11 Dec 2009
364/S/01C Plan proposed 11 Dec 2009
364/S/02E Plan proposed 11 Dec 2009
364/S/03C Plan proposed 11 Dec 2009
364/O/H/05 Sections 11 Dec 2009
364/S/04 Roof Plan 11 Dec 2009
364/S/06 Site Plan 11 Dec 2009
364/HLA/07E Proposed elevations 11 Dec 2009
364/HLA/08D Proposed elevations 11 Dec 2009
364/S/09 Site Plan 11 Dec 2009
364/S/010 Sections 11 Dec 2009
364/S/11 Proposed elevations 11 Dec 2009
364/S/012A Sections 11 Jan 2010
364/S/013A Proposed elevations 11 Jan 2010
364/S/014 Proposed elevations 11 Dec 2009

List of Background Papers

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