

19 March 2024

Planning Department
East Devon District Council
Blackdown House,
Border Road,
Heathpark Industrial Estate,
Honiton,
EX14 1EJ

Dear Sir/Madam

**RE: SEA CHIMNEYS, BEER, DEVON.
APPLICATION FOR THE PROPOSED REDEVELOPMENT OF EXISTING DWELLING TO
PROVIDE A REPLACEMENT SINGLE FAMILY DWELLING.**

Further to the pre-application submissions and advice received in respect of the above, we have pleasure in enclosing an application for the redevelopment of the above dwelling and its replacement with a single family home.

This application is submitted on behalf of the owners of the property, Mr and Mrs Chumbley. It is proposed that, once complete, this becomes their principal family home. The application proposals are for a family home of a very high quality that responds positively to its context and setting and which uses traditional local materials in a manner that both unique and highly sustainable.

The application proposals are set out in the accompanying prepared by award winning architects, McLean Quinlan:

Application forms
plans and elevations
Design and Access Statement (D&A).

The application is informed and accompanied by:

An arboricultural survey
An ecology statement (EclA) and Information for HRA

A separate ecological lighting assessment that is currently being written up and will be submitted alongside the application to ensure that there is no adverse impacts on the Beer Quarries and Caves SAC Bat Consultation Area and Sustenance Zone. This includes an assessment of the existing and proposed lighting characteristics of the site to help inform any related HRA.

The application proposes a replacement home with a floor area of 551sqm (gross external), arranged over lower ground, ground and a first floor set within the roof space, with 4 bedrooms and detached garage and bin store.

This Planning Statement sets out the key planning considerations relevant to the consideration and determination of the application proposals. In accordance with good practice principles, the application follows from pre-application advice sought and received from officers at East Devon District Council. The application responds positively to the advice received.

The application includes a series of long sections through the site which shows clearly the relationship with local topography and neighbouring homes. This has informed the design process and demonstrates that the application proposals maintain good relationships with its neighbours.

The application is also accompanied by independent assessments of the trees and ecology of the site and context, set out within the accompanying reports.

Initial discussions have also been held with the neighbours by the applicant and any comments received have been fed into the design process to ensure the protection of their amenities.

Principle of Development

Applications for development should be determined in accordance with the development plan unless material considerations indicate otherwise.

The relevant development plan in this case comprises the East Devon Local Plan together with the Beer Neighbourhood Plan. We have also had regard to the non-statutory guidance in the Beer Design Statement.

In terms of the Local Plan, the site lies within the defined urban area of Beer as defined in the East Devon Villages Plan and comprises previously developed land in residential use.

It is, therefore, a location where the proposed redevelopment of the site to provide a single family home would be acceptable in principle and accords with the key policies of the development plan. This was confirmed in the pre-application advice received.

As such, the proposals would accord with Strategy 6 (Development within Built Up Area Boundaries) and Strategy 27 (Development at the small Towns and Larger Villages) which support development within these areas.

There is, therefore, a presumption in favour of application under the terms of the NPPF, subject to consideration of any matters of detailed.

Detailed Considerations

The site is free of national constraints, with the exception of the AONB which washes over Beer and is discussed below. Local level constraints are discussed in the following sections. The site is outside the Coastal Preservation Zone and Beer Conservation Area and does not comprise protected open space or other similar designations. It lies in Flood Zone 1 and is not liable to flooding.



Figure 2: Entrance to FP17 looking north off Common Lane

Travel, highway safety and parking

The site is served by an existing access for a single family home off an established residential street and this would remain, as existing. Adequate space is identified within the site for turning and existing the site in a forward gear. Waste collection would be from the street as with all other properties in the area. There is space for parking at least 2 cars and garaging would be available within the site.

The site is within walking distance and has access to the full range of facilities within Beer. It maintains the existing footpath adjoining the site and has no impact on this or other rights of way.

The application therefore accords with TC9 (Parking Provision in New Development) and TC2 (Accessibility of New Development), TC7 (Adequacy of Road Network and Site Access) as well as NP policies Policy TP2 (Car Parking) and Policy TP4 (Accessibility).

Trees

A protected tree reference 09/0017/TPO – this tree was on the adjoining, neighbouring property at Bera Watch and has since been removed by the property owners under permissions 23/0744/TRE and 22/1794/TRE and is no longer a relevant constraint.

A tree survey by a qualified arboricultural consultant is submitted with the application. This includes a tree constraints plan and root protection areas and assesses the quality and nature of trees within and adjoining the site. This has informed the design of the proposals. The survey and resulting application protect high quality trees and has also input to new planting proposed within the application. The application, therefore, accords with D3 (Trees and Development Sites).

Biodiversity

The Beer Quarries and Caves SAC Bat Consultation Area – while not affecting the caves themselves, the site, and indeed the town of Beer as a whole, lies within the Landscape Connectivity Zones and Sustenance Zones of several protected bat species. This was considered as part of the ecological assessment that informed the application.

An ecology/biodiversity survey produced by a suitably qualified ecologist (the ECIA) has been prepared and is included as part of the supporting documents. This includes an assessment of the habitats and

features within the site and any protected species, as well as local designations. It considers the site's location within the Bat Consultation Area as indicated in the Beer Quarry & Caves Special Area of Conservation (SAC) and related Habitats Regulations Assessment Guidance. This included a bat survey of the site.

The ECIA report concludes that there are no habitats or species impacted that are of more than local or site significance and that the mitigation planting included within the proposed landscape scheme produces a biodiversity net gain and slight ecological enhancement.

Specifically, the conclusion of the assessment indicates that the proposals would result in the loss of approximately 0.011 hectares of garden lawn (classed as semi-improved neutral grassland) and 0.036 hectares of ornamental shrubs and four trees. This is offset by the creation of approximately 0.025 hectares of native mixed scrub, enhance 0.02 hectares of retained garden lawn through the creation of wildflower grassland and the planting of 20m of a species rich, native hedgerow along the northern boundary. Two cherry trees from the garden area would be replaced with higher quality, native trees.

A separate ecological lighting assessment that is currently being written up and will be submitted alongside the application to ensure that there is no adverse impacts on the Beer Quarries and Caves SAC Bat Consultation Area and Sustainance Zone. This includes an assessment of the existing and proposed lighting characteristics of the site to help inform any related HRA. It demonstrates that the lighting characteristics of the site do not change significantly as a result of the proposed development or adversely impact any likely flyways or features used by bats. This has been taken into account in the ECIA.

Taking account of the proposed mitigation there is considered to be no adverse impact on bats, nesting birds, reptiles, badgers, and hedgehogs. By implementing the mitigation and enhancement measures recommended, the proposal is considered to have a slight positive ecological effect at a local scale in the long term.

The ECIA considered the presence of bats within the site and concluded that there were no bats identified in the emergence surveys carried out.

Further, given the small scale of the proposal for a single dwelling in the urban area, the existing property, presence of streetlights on local roads and the residential location of the development, no adverse impacts on the SAC are expected.

The proposal is for a Self-Build home and hence BNG requirements do not apply in this case. However, the ECIA concludes that if they were, the proposals, assuming a precautionary approach to the biodiversity net gain calculations, would result in a gain of 0.04 habitat units (a 5.59 % net gain) and a gain of 0.15 hedgerow units (96.24 % net gain). Hence, while BNG does not apply in this case, a significant net gain is achieved.

The application, therefore, accords with policy EN5 (Wildlife Habitats and Features) and NP Policy NE1 (Development and the Natural Environment).

Amenity of the proposed dwelling

Pre-application advice confirmed that the proposed dwelling would be acceptable in relation to its internal space, its outlook and access to open space.

Provision for cycle and bin storage is shown within the plans submitted and accords therefore, with Policy D1.

Amenity of Neighbours

We have considered the amenity of neighbours in the context of both privacy, outlook and sunlight/daylight. This has fed into the design development of the proposals and has ensured that in each respect the amenities of neighbouring properties are maintained.

The orientation of the proposed dwelling matches that of the existing property and its neighbours. The location and orientation match that within the prevailing streetscape. The main elevations are broadly east/west and conform with the general pattern of development on Southdowns Road as shown on the aerial image below.

Figure 3: Orientation and Street Pattern



The principal elevations, therefore, face the street (Southdowns Road) and the opposing properties Bali-Hai and Crabtree, which are situated up-slope and look over the top of the property, and across the town to the east over the roof of the nearest neighbour, situated downslope, Upalong. The sections within the D&A show the relationship and demonstrate that there is no real impact on privacy or outlook.

The distances between properties, the presence of existing trees and hedges within the property and the degree of slope from east/west ensures that adequate privacy is maintained. Although there is no right to a view in planning terms, the design has been carefully considered and the sections demonstrate that the outlook from each of these properties would be unaffected.



Figure 4: Footpath separating Sea Chimneys (upslope) and Upalong (downslope)

Figure 5: Southdowns Road frontage and separation of Sea Chimneys and Bali-Hai and Crabtree.



The north-south elevations of the proposed dwelling are side elevations, which reflect the orientation and design of the neighbouring properties of Bera Watch and Southdowns. The D&A again illustrates the relationship with each of the neighbours in plan, section and elevational form including reference to side facing windows where present in neighbouring property.

Each of the neighbouring properties has flank elevations on the north/south elevation, with ground floor windows serving kitchen areas. These are generally screened by the existing hedge and/or fence at ground level.

The proposed dwelling maintains a similar distance and relationship to the existing boundary hedges/fences as its neighbours in order to ensure that the relationship maintains a sense of openness and space around the buildings and is not overbearing in its relationship. The distance to the northern

boundary with Bera Watch is 2.6m which matches that of the neighbour (hence a good separation distance of 5.2m between the properties). This is demonstrated within the D&A which contains sections showing the separation and scale, which maintains a good proportion.

In terms of sunlight daylight, the proposal has been assessed with reference to the 45-degree plane from the ground floor windows at Bera Watch, shown in sections A, B and C in the D&A. The 45-degree skyline from the kitchen windows at Bera Watch are maintained, in particular reference to the windows serving the garden/breakfast room to the east of the southern elevation. The outlook, orientation and set back from the boundary will thus ensure that good levels of sky and sunlight/daylight are maintained.

The relationship between the proposed dwelling and Southdowns which lies to the south and is a distance of circa 17m away at its closest point, ensures that there is not impact on sunlight/daylight or other amenity issues.

Design and Materials

The overall scale and massing, together with the form of the proposed dwelling sits comfortably with its neighbours. The ridge height and broken roof form of the proposal, arranged as a series of connected forms, offers a varied profile when viewed against the hillside and conforms to the prevailing building heights and conventions along Southdowns Road. The ridge height matches closely that of its neighbours and it sits below the ridgeline to the west.

The use of the topography means that the lower level is set within the slope of the hillside and the upper level sits within the roof, which together with the strong existing hedges and trees to the perimeter boundaries, means that the 3-level form actually sits very comfortably within its context. Indeed, the lower ground floor level, would be hidden from external views by the slope of the ground and established vegetation.

The inclusion of a terrace at ground floor level is set well within the site, away from the boundaries to north and south, and oriented to face east.

The orientation and arrangement of the building forms was considered by officers in the pre-application advice to harmonise with the general pattern of surrounding development.

The materials, using local stone, glass and clay tiles, supplemented in part with zinc and timber, connects with the history of the area and local distinctiveness while allowing a complimentary and contemporary interpretation.

With regard to materials, the use of a stone, similar to that traditionally used in Beer, for most of the walls and the use of clay tiles for the roof of the larger gabled block was considered to accord with the guidance within the Beer Village Design Statement.

The use of zinc roofing on the 2 smaller gabled buildings and the links between buildings is justified within the Design and Access Statement. In essence, this is viewed side on and offers a contrast to the main roof materials and form, which is appropriate to its setting and the overall design. It is not visible or apparent in the main east-west elevations.

The proposal sits discretely within its setting and possesses a strong local character and identity of its own. It compares favourably to the design and appearance of the present dwelling on the site. It is precisely the sort of high-quality design that helps to reinforce the sense of place and enhances the character of the area.

Additional details were requested in the pre-app stage on the linking roofs between the main buildings, openings within the chimney and the clipped eaves. This is now referenced and justified in the accompanying Design and Access Statement. In each case, there is a clear rationale for each of the elements and they form a key part of a strong and coherent design.

The application, therefore, accords with policies for design including Strategy 48 (Local Distinctiveness in the Built Environment) and NP Policy HBE2 (High Quality Design).

Sustainable Design

The application proposals are designed to be both sustainable and adopt low carbon techniques and technology. The design of the building supports a fabric first approach, with high levels of insulation and performance which minimises the use of energy in heating the home. The windows and light within each room reduces the need for lighting. The design has followed Passivhaus principles to optimise the energy recovered from the sun and use natural light and ventilation.

The site currently has the following utilities: mains electric, mains water and foul wastewater. As part of the proposed works solar photo voltaic panels will be added to the south-facing roofs to provide on-site renewable energy and the heating for the home is by air source heat pumps. This is, therefore, a low carbon home.

The application, therefore, accords with Strategy 38 (Sustainable Design and Construction), Strategy 39 (Renewable and Low Carbon Energy Projects), EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment System), EN22 (Surface Run-Off Implications of New Development) and NP Policy HBE4 (Renewable and Low Carbon Energy).

Conclusions

The application is for a self-build home on behalf of the applicant. It proposes the replacement of an existing dwelling, which is both tired and or poor design quality, with a high-quality family home that has been specifically designed to enhance its context.

The application lies within the defined settlement of Beer and on a previously developed site, outside of any constraints that would otherwise constrain development. In principle therefore, it accords with the development plan and the positive presumption in favour of development.

The application proposals have also responded positively to the pre-application advice received and have been carefully considered against the policies of the Local Plan and Neighbourhood Plan. The applicant has discussed the proposals with the immediate neighbours and fed any comments into the design process.

The amenities of its neighbours have been considered and the assessments set out in the Design and Access Statement, including long sections to test and demonstrate the relationship. As a result, it is considered that the proposals maintain good relationships to each neighbouring property, protecting outlook, privacy and sunlight/daylight and meet the relevant standards where these apply.

The proposal uses stone and clay tiles as the key materials, which strongly relate to its context and reflects local distinctiveness. The scale, mass and form of the proposal matches closely that of its neighbours and the proposed dwelling with sit comfortably into the hillside and form a positive part of the established character of Beer.

The application has been informed by a tree survey and an ecology survey and has included the recommendations from each to ensure that there is no adverse impact. A specialist bat survey has also been undertaken and no bats have been identified emerging from the trees and buildings within the site. Given the site's location within an established residential location with streetlights and the existing dwelling on the site, it is considered that there will be no adverse impact on the Beer Quarries and Caves SAC Bat Consultation area.

Although the BNG requirements do not apply in the case of self-build dwellings, the application proposals nevertheless will achieve a policy compliant net gain in both habitats and hedgerow units.

The proposal also comprises a sustainable, low carbon home which adopts a fabric first approach which minimises the need for energy to heat the home. This is supplemented by solar panels on the south facing roofs to provide on site renewable energy. Water efficient taps and sanitary ware is proposed and as a result, the overall development will offer sustainable, low carbon living.

In light of the above and the consideration given to the policies of the local plan and neighbourhood plan, it is considered that the application accords with the development plan and the NPPF and therefore, benefits from the presumption in favour of the grant of permission in this case.

We would of course be happy to meet with officers to consider any aspect of the proposal should there be any concerns over any element of the proposals.

Kind regards.

Yours sincerely

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Steven Fidgett
Director