

OBJECTION TO AMENDED OUTLINE PLANNING APPLICATION (AOPA): REF. 12/1847/MOUT
Knowle, Station Rd, Sidmouth
13th November 2012

Further to the Objection submitted by the Futures Forum of the Vision Group for Sidmouth, member of the Save Our Sidmouth campaign, of 15th September 2012

We would urge Planning Officers at the District Council to reject the Amended Outline Planning Application on the grounds that:

1) **Heritage:**

> The AOPA fails to 'conserve heritage assets in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of this and future generations,' according to a core principle of the National Planning Policy Framework. <http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>

To quote from the Devon Gardens Trust's own Objection to the AOPA: 'Good conservation practice indicates that where a planning application affects the historic environment, the applicant must demonstrate a clear understanding of the significance of the affected heritage asset, and that the proposed development will not adversely affect its historic significance. We would suggest that the EDDC, as the applicant, has not satisfied these criteria.'

> Kensington Taylor's Heritage Statement fails to take into account the significance of the East Devon AONB and the Town Centre Conservation Area which are both immediately adjacent to Knowle. No reference is made to the AONB of Manor Park which is protected by the same central government 1956 TPO which covers the trees of Knowle Park. The Kensington Taylor report fails to recognise the full significance of the adjoining Conservation Area, whilst in the Introduction to the 1999 'East Devon Conservation Area Appraisals' for Sidmouth, the Knowle site is specifically referred to as one of the finest of its type, along with other important 19th century houses and their grounds. http://www.eastdevon.gov.uk/plg_sidmouth1-3caa.pdf The construction of a care home and housing on the car parks on the main drive onto Station Rd and flanking one of the Listed Lodges would have considerable impact on 'views into and out of the Conservation Area'.

To quote a member of the Law Society's Planning Panel and Legal Associate of the Royal Town Planning Institute: 'If the proposed development is in a designated Conservation Area or would affect the setting of a Listed Building (i.e. a building on the statutory list of buildings of special architectural or historic interest), there may be further grounds of objection relating to the effect of the development on the character and appearance of the Conservation Area or on the setting of the particular Listed Building.' <http://planninglawblog.blogspot.co.uk/p/how-to-object.html>

> Kensington Taylor's report fails to recognise the original relationship between house and grounds which represents the 19th century style which largely defines Sidmouth. Above all, by choosing to devote most of its 12 pages to one of the only 'official' heritage assets on the site, namely the Listed Summerhouse, the Heritage Statement undermines the fullness and quality of the spatial and natural settings of the Victorian Knowle Hotel, sitting within its historic formal gardens. This is epitomised in the still-identifiable relationship between Knowle Hotel and the two Listed Lodges – although the Heritage Statement fails to mention the second of the Lodges and thereby fails to take adequately into account the impact of Listed buildings on the house and grounds.

To quote from District Council planning documents, a precedent has been set elsewhere in the District by the planning decision (11/0559/VAR) to protect a previously-Listed Lodge, which was deemed to still enjoy a relationship to the main house: 'It is considered that by virtue of its association with Poltimore House, the property is a curtilage listed building (not withstanding its original de-listing) and as such permitted development rights do not exist in any event.' Knowle Hotel is itself, of course, a delisted property. http://www.eastdevon.gov.uk/development_management_full_agenda_230811-3.pdf

To quote from the Devon Gardens Trust's own Objection to the AOPA: 'The parkland of Knowle forms part of the attractive approach to Sidmouth, providing an important contribution to the overall historic character and landscape of the town. In this respect the development proposed would have a significant detrimental effect upon the setting of the Conservation Area and views into and out of it... The Trust is most concerned that the application proposes housing development on areas which are an integral and important part of the existing parkland. Whilst the area round the southern entrance (Zone E) is not planted with mature trees, this is nevertheless part of the original parkland and should not be a site which EDDC considers to be a development opportunity... We consider that it would not be acceptable, in terms of the historic designed landscape, to build on any of the existing parkland.'

> Finally, the restricted perspective of the Heritage Statement in terms of the historical significance of the site precludes the full appreciation of the value of Knowle as it affects Sidmouth.

To quote from SAVE Britain's Heritage's objection to the initial OPA: 'Loss of the Knowle and development of the park on the scale proposed would represent a devastating blow to the history and character of Sidmouth... Although English Heritage considered the building and park to be below the threshold for

national designation, it acknowledged both to be of 'clear local interest' and that they are 'evidently highly-valued by the local community'. The report also stated that the building 'retains some attractive internal features'.

2a) Employment Land:

- > The AOPA fails to address seriously and convincingly the twin issues of providing 'jobs and homes' for future generations in Sidmouth. Firstly, the District Council is failing its residents by reducing employment opportunities in Sidmouth by removing almost 400 office jobs at Knowle. And it is not the only District Council which is currently failing its residents in this respect.
- To quote Stephen Gilbert, MP for St Austell & Newquay: 'St Austell needs jobs, not more empty employment units; we need affordable homes on brown field sites, not executive and second homes on much needed agricultural land; we need planned development that has public consent, not developers that ignore local people's views. This application is premature, it's unwanted, it will take away needed land, won't create jobs and is a Trojan horse for a much larger application that the community has already rejected.' <http://stephengilbert.org.uk/en/article/2012/621774/gilbert-comment-on-wainhomes-planning-refusal>
- > The District Council has failed to designate any alternative employment site to mitigate the loss of employment at Knowle – a loss which is only now recognised in the Bell Cornwall report (para. 3.10). There are widespread fears that the OPA/AOPA's provisions are simply a 'Trojan horse' whose proposals to remove employment from Knowle would 'necessitate' the proposed new industrial site at Sidford.
- To quote from objections to the initial OPA: 'Changing the use of this land from business use to residential use would entail the loss of a significant proportion of the business use land in Sidmouth. There is no justification for such a change. Replacement of that business use land by a new allocation in the AONB could only be justified under exceptional circumstances. There are no such circumstances to justify that.' <http://www.eastdevon.gov.uk/lp-repsf.pdf> (1492)
- > The Bell Cornwall report simply reasserts statements from their previous report, notably that there is a 'surplus of employment land' in Sidmouth (para 2.27) and yet the District Council has failed to produce any supporting evidence. This assertion clearly contradicts the draft Local Plan's contention that the town needs a 5 hectare industrial site at Sidford. http://www.eastdevon.gov.uk/plg_lp_newlocalplanpublicationdraft2012.pdf (page 83)
- > The AOPA contravenes the District Council's own policy declaration that it actively seeks to protect current Employment land provision, under LP Policy E3 (Retention of Employment Land) as cited by Bell Cornwall's report (para 2.27). This strategy has in turn been confirmed by Sidmouth Town Council which has determined that all present employment sites within the town should be retained – including Knowle and Manstone Depot. (<http://www.sidmouth.gov.uk/PDFs/STC%20Minutes%202012/STC-210512.pdf>) However, in direct contradiction of these policies, the AOPA proposes a change of use from offices to private dwellings in Zone C, which would result in the loss of employment land designated as such within the adopted East Devon Plan. Moreover, by submitting an Outline Planning Application for a change of use, rather than a Full Application, the District Council has avoided the requirement to provide evidence that there is no demand for the current employment use at Knowle by advertising the office buildings at a market price.
- > By attempting to sell the site at a time when the market is so unfavourable, the District Council would fail to realize the full value of these assets and would be considered reckless in the extreme if it persisted.
- To quote a West Dorset District Councillor commenting on the property market, following the failure to raise substantial anticipated capital when attempting to sell WDDC's offices: 'The whole thing is an expensive shambles'. http://www.viewfrompublishing.co.uk/news_view/22569/2/1/west-dorset-district-council-may-have-to
- > In justifying the reduction of job opportunities at Knowle, the Bell Cornwall report's declaration that there is a 'surplus of employment land' in the Sidmouth area is directly contradicted by the District Council's premise that it needs to provide much-needed office space at the proposed industrial site at Sidford.
- To quote District Council Leader Cllr Paul Diviani: 'the jobs of the future are office jobs'. <http://saveoursidmouth.com/2012/11/03/questions-for-the-leader-of-eddc/>; http://www.whtimes.co.uk/wbt/news/letters/mayor_hope_1_1668795
- To quote a report on Devon County Council's decision to flood the market with office space due to more office staff 'hot-desking': 'DCC wants to reduce the amount of space it needs for staff and is proposing selling a number of properties to do so over the next five years... It wants to reduce the amount of floorspace it needs by 35%... No employees would lose their jobs, but they would have to share desks, as well as work from non-council properties and from home, the authority said. The council said: "Some buildings will be surplus to requirements and we will look to dispose of these to provide revenue savings."' <http://www.bbc.co.uk/news/uk-england-devon-20296016>

2b) Residential Land:

- > The Bell Cornwall report asserts that 40% affordable housing has been included and that the proposed development will contribute to housing needs and the provision of a care home (para 2.23). However, no viability assessment has been undertaken and no further evidence is provided to support this, which undermines the feasibility of the proposed development and fails to meet the provisions of Policy H4.
- > The District Council cannot guarantee that 20 of the 50 proposed new housing units will be affordable. Whilst there have discussions between District Council Officers and developers about S106 funding – the details of which have not been disclosed, despite FOI requests to the District Council – it is now apparent from cases elsewhere in the UK that, under the current business climate, builders are able to claim that they cannot afford a 40% affordable home quota.

To quote a social housing website: ‘The Financial Times has today reported the plans will allow house builders to reduce the proportion of affordable homes they provide... The brokers will work with councils and developers to renegotiate section 106 agreements. These often require builders to produce affordable housing alongside private homes, but developers argue tough economic times mean terms agreed before the recession can make schemes unviable.’ <http://www.insidehousing.co.uk/ihstory.aspx?storycode=6523233>

- > The other grounds for questioning the deliverability of affordable housing is that, whilst it is to be commended that the District Council is concerned about housing future generations of local families (<http://www.eastdevon.gov.uk/facing-up-to-the-planning-challenge.pdf>) and whilst it is clear that the plight of those without adequate housing needs to be addressed (<http://www.yestohomes.org/>; http://www.housingvoice.co.uk/downloads/Volume_2.pdf page 30;), it is clear that the number of affordable homes provided by the District Council amongst the over 500 recently built or currently planned in Sidmouth as of 2006 (<http://www.eastdevon.gov.uk/edlpevidence0107.pdf> page 7) is well below the 40% target. Consequently, there is no guarantee that the allocation of 50 further homes at Knowle under the draft Local Plan will fulfil the policy aim of ‘meeting Sidmouth's housing needs’. http://www.eastdevon.gov.uk/plg_lp_newlocalplanpublicationdraft2012.pdf (page 83)

3) Open Spaces:

- > The AOPA fails to meet the criteria established in point 74 of the National Planning Policy Framework which state that: ‘Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless... an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location.’ <http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>

To quote from SAVE Britain’s Heritage’s objection to the initial OPA: ‘These criteria clearly have not been met. In light of the above concerns, SAVE urges you to refuse this application.’

- > The AOPA fails to respect the District Council’s own Open Spaces Study of 2011, which states, firstly, that all open spaces should be protected unless it is proved they are not needed, and yet the District Council has failed to provide any such evidence; and secondly, that the wishes of local people should be taken into account concerning proposed development of open spaces, especially those which are historic, as at Knowle, and yet the District Council has failed to respect the substantive objections to the OPA/AOPA. <http://www.eastdevon.gov.uk/lp-openspacestudyfinalreport.pdf>
- > The Bell Cornwall report fails to adequately assess the open space at Knowle and therefore inaccurately deems much of the parkland to be ‘surplus to requirements’ (para 3.32). The inclusion of the 13.8ha Byes parkland under the list of sites in Appendix C of the Open Spaces Study as ‘Parks and recreation grounds’ rather than as ‘Natural & semi-natural open space’ is contentious; the figures produced by Bell Cornwall are therefore not reliable and should not be taken as the basis for determining the extent and value to Sidmouth of its open spaces.
- > Sidmouth Town Council has reviewed the AOPA and now strongly supports the retention of the open spaces at Knowle.

To quote from the STC Planning Committee Minutes of 7th November: ‘UNABLE TO SUPPORT development in ‘zones A, B, D and E’. Reasons: Contrary to Policies RE1/RE4 (Recreational Areas) of the Adopted East Devon Local Plan by reason of development on large areas of open space and recreational parkland designated in the plan as a ‘recreational area’... Contrary to National Planning Policy Framework and SN/SC/1096 which stipulates that existing public open space should “not be built on unless the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality”. Much of the site at present contains no buildings at all and the proposal cannot therefore be considered as development on a ‘brown field’ site other than zone C. It is development on recreational and publicly enjoyed amenity land... Zone D is classified as recreation land and the current use is ancillary to the Council offices as stipulated in the temporary planning permission 08/0850/FUL where the proposed retention of a portacabin was granted for a limited period only... Will result in the loss of valued trees <http://www.sidmouth.gov.uk/PDFs/Planning%20Minutes%202012/planmin07%2011%2012.pdf>

4) Environment:

- > The AOPA fails substantially to honour the remit and spirit of the joint Exeter/EDDC Green Infrastructure Study of April 2007, which 'provides a framework to guide sustainable development.'
<http://www.eastdevon.gov.uk/gireport1.pdf>
- > The AOPA fails to comply with EU law, in that the District Council has not followed Devon Wildlife Consultants' recommendation that further surveys be undertaken between May and September to determine the impact of the AOPA on the lesser horseshoe bat, a European Protected Species. Because these will have to be undertaken in 2013, both DWC and Bell Cornwall have been unable to determine whether Derogation Tests can be satisfied.

5) Relocation:

- > The determination of the District Council to ensure that the move to Honiton be 'cost-neutral' has meant that a primary purpose of the AOPA is to raise maximum revenue on the assets at Knowle. Otherwise, it cannot be justified on planning grounds to include the Southern Gardens (Zone E) or to extend the boundary of Zone C under the AOPA. The District Council should be required to release the full financial information detailing the costs of the relocation and the funds deemed necessary to finance it.
- > The determination of the District Council to relocate to Honiton might result in providing tax-payers with an expensive white elephant. That the District Council should be considering investing in new headquarters when its own future existence is now in question amounts to a serious lack of responsible budgeting of limited funds.

To quote reports on Lord Heseltine's consideration of local government reorganisation, which has been greeted with dismay by District Councils: 'In a chapter on localism, the former deputy prime minister described the English local government system as 'overly complex and inefficient' and 'not suited to the demands of the 21st century and in particular our need to pursue economic growth'... Heseltine recommended that all two-tier English local authorities outside London should pursue a path towards unitary status. 'The Government should encourage this and work with authorities to clarify the process and enable it to happen,' he argued.' <http://www.bis.gov.uk/heseltine-review>; http://www.localgovernmentlawyer.co.uk/index.php?option=com_content&view=article&id=12222%3Adistrict-councils-slam-heseltine-proposals-for-local-government-reorganisation&catid=59&Itemid=27

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