

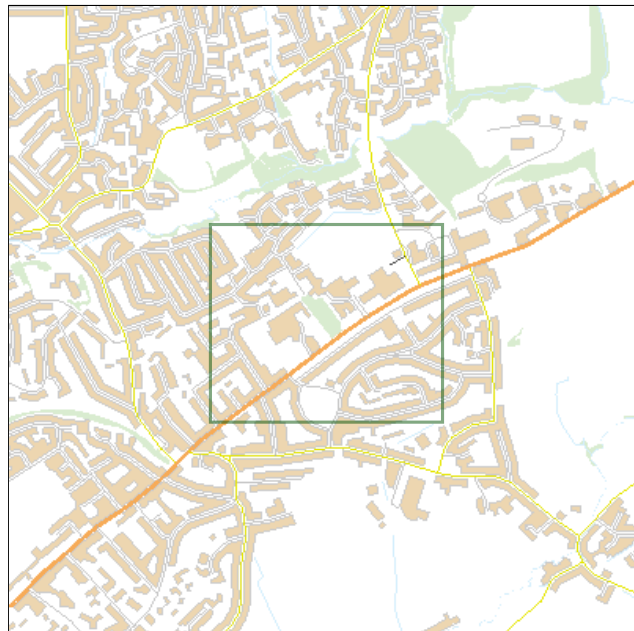
**Ward** Exmouth Withycombe Raleigh

**Reference** 19/2710/MFUL

**Applicant** S Paull (Yourlife Management Services Ltd)

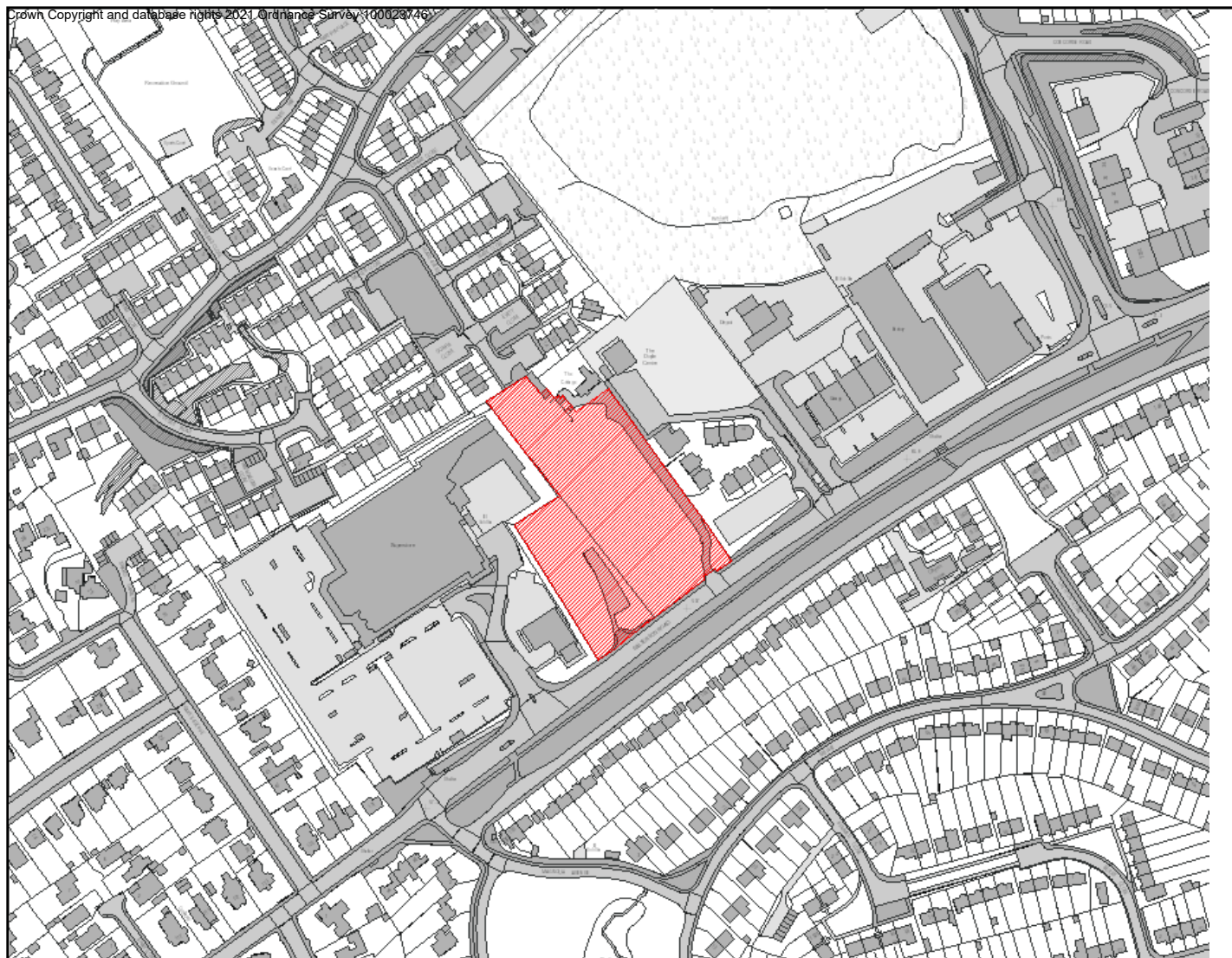
**Location** Site Of Redgate & Land At Tesco Salterton Road Exmouth

**Proposal** Erection of extra care/assisted living accommodation (Class C2) with communal facilities and car parking; erection of Class B1(b) or B1(c) accommodation (322 sqm employment floorspace) with associated car parking; development to be accessed from Salterton Road.



**RECOMMENDATION:**

1. **Adopt the Appropriate Assessment attached to this report**
2. **APPROVE** subject to the following matters to be secured by a Section 106 Legal Agreement
  - care package
  - delivery of business units
  - habitats mitigation contribution
3. **APPROVE** subject to conditions



		<b>Committee Date: 10<sup>th</sup> March 2021</b>
<b>Exmouth Withycombe Raleigh (Exmouth)</b>	<b>19/2710/MFUL</b>	<b>Target Date: 23.03.2020</b>
<b>Applicant:</b>	<b>S Paull (Yourlife Management Services Ltd)</b>	
<b>Location:</b>	<b>Site Of Redgate &amp; Land At Tesco Salterton Road</b>	
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  - **habitats mitigation contribution**
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#### **EXECUTIVE SUMMARY**

**This application is before Committee because it is a major application and the Officer recommendation is contrary to the views of the Town Council.**

**Members will recall that an application for the development of an Extra Care/Assisted Living Home on part of this site was refused planning permission and a subsequent appeal dismissed in 2019. The appeal was dismissed due to the loss of employment land and concerns regarding the marketing of the site for employment uses.**

**Around half of the application site is allocated for employment use under Strategy 22 (Development at Exmouth) of the Local Plan and whilst the application proposes to deliver part of the site for specific employment uses, this amounts to around 25% of the site. As such the application fails to fully comply with the provisions of both Strategy 22, and Strategy 32 (Resisting Loss of Employment,**

Retail and Community Sites and Buildings) of the Local Plan, and EE2 and EE3 of the Exmouth Neighbourhood Plan.

Strategy 36 of the Local Plan recognises a need for the provision of additional Care/Extra Care spaces within Exmouth which the proposal would help to deliver.

Overall the application needs to be determined, not only in light of the local and neighbourhood plan, but also as a balancing exercise and within the context of the current economic situation. The proposal will deliver some constructed and serviced employment units and some further employment would be generated by the operation of the Extra Care home. Additional evidence has been provided to demonstrate that there is little prospect of any speculative office building being financially viable at the present time, particularly given the changing nature of working practices with significant trends towards home working and falling demand for office space.

The application is considered to be acceptable in terms of its design, access, ecology and impact on trees and residential amenity and whilst it does not offer the most desirable form of employment generating use it will nevertheless bring some economic benefit and a productive use to a site which has been vacant for many years.

On balance, whilst the proposal would conflict with certain elements of the development plan, the economic benefits and the creation of additional jobs, particularly in this time of significant economic difficulty is considered to outweigh the loss of a relatively small area of allocated employment land. Subject to an appropriate legal agreement to ensure the delivery of the business units, and care provision for the occupiers of the units, and suitable planning conditions to ensure that protection is afforded to amenity, highway safety, trees and ecology, the application is recommended for approval.

## **CONSULTATIONS**

### **Local Consultations**

#### **Parish/Town Council**

Objection on the grounds that this proposal for extra care homes with a provision of office accommodation at the rear of the site to mitigate against the loss of employment use would be harmful to the interests of Exmouth. It had only been 10 months since the appeal decision, and nothing had been done to address the planning inspectorates concerns over marketing of the site. There were only two sites in Exmouth allocated for employment use and the loss of this site for meaningful employment was considered unacceptable.

#### **Amended Plans**

Objection sustained; the amended plans further undermine and reduce the employment use of the site. The East Devon Local Plan strategy 22 recognised the state of Exmouth's economy and allocated the site for employment. Exmouth's

Neighbourhood Plan, policies EE2 and EE3 and Action EEA1 seek the prevention of change of use of allocated employment land. It was also noted that the development would increase pressure on the already overburdened health services in the town and that EDDC should perhaps consider a new strategy in terms of marketing employment land in Exmouth

#### Further Amendments

Objection sustained; the amended plans did not alter previous concerns raised. Members questioned the morality of the LPA determining the application when they were being offered the employment land.

### **Technical Consultations**

#### EDDC Trees

In the broadest principle I feel the development could go ahead, however I have the following points of concern: -

- The office block and Flats 5 + 6 and the adjacent access path to the west are too close to the western boundary and their construction is likely to adversely impact the RPA of tree group T1 especially as it appears that it is proposed to raise existing levels by over 1m within the RPA. It is also likely that they will block light to the flats resulting in pressure to reduce their canopies to allow more light. This would have a very adverse effect on the tree group which is prominent from Salterton Road and the Tesco site. To prevent this the layout should be amended by moving the flats sufficiently away from the boundary
- There appears to be extensive grading work which will adversely affect the RPA of T1 and the RPA appears inaccurate
- T44 should be retained and protected accordingly
- The landscaping replacement trees should include large growing trees to the road frontage to screen the site
- The new access road appears to be affecting T23, T24, T37 further details on this are required.
- Protective fencing near T1, T5 and unnamed group by the office block should be to the edge of the rpa's or ground protection used
- Ground levels near T14 do not have enough detail to agree a no-dig and consideration should be given to no parking in this area due to the future pressures on pruning

#### Natural England

#### **DESIGNATED SITES [EUROPEAN] - FURTHER INFORMATION REQUIRED** **Habitats Regulations Assessment - Recreational Impacts on European Sites**

This development falls within the 'zone of influence' for the East Devon Pebblebed Heaths SAC/SPA and Exe Estuary SPA, as set out in the Local Plan and the South East Devon European Sites Mitigation Strategy (SEDEMS). It is anticipated that new housing development in this area is 'likely to have a significant effect', when considered either alone or in combination, upon the interest features of the SAC/SPA due to the risk of increased recreational pressure caused by that development.

We advise that it will be necessary for you to check whether the extra care/assisted living accommodation proposed falls into the categories of development requiring mitigation under the SEDEMS and the Joint Approach of Exeter City Council, Teignbridge District Council and East Devon District Council. We note that Teignbridge Council advise that care homes for elderly or infirm who have significantly reduced mobility are exempt, while housing for the 'mobile' elderly is included. <https://www.teignbridge.gov.uk/planning/biodiversity/exe-estuarydawlsh-warren-habitat-mitigation/what-types-of-development-have-to-provide-mitigation/>

If this type of housing falls within the category requiring mitigation, Natural England's advice is that this proposed development, and the application of these measures to avoid or reduce the likely harmful effects from it, may need to be formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended).

This is because Natural England notes that the recent People Over Wind Ruling by the Court of Justice of the European Union concluded that, when interpreting article 6(3) of the Habitats Directive, it is not appropriate when determining whether or not a plan or project is likely to have a significant effect on a site and requires an appropriate assessment, to take account of measures intended to avoid or reduce the harmful effects of the plan or project on that site. The ruling also concluded that such measures can, however, be considered during an appropriate assessment to determine whether a plan or project will have an adverse effect on the integrity of the European site. Your Authority should have regard to this and may wish to seek its own legal advice to fully understand the implications of this ruling in this context.

Natural England advises that it is a matter for your Authority to decide whether an appropriate assessment of this proposal is necessary in light of this ruling. In accordance with the Conservation of Habitats & Species Regulations 2017 (as amended), Natural England must be consulted on any appropriate assessment your Authority may decide to make.

#### Other advice

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

#### Annex - Generic advice on natural environment impacts and opportunities

##### Sites of Special Scientific Interest (SSSIs)

Local authorities have responsibilities for the conservation of SSSIs under s28G of the Wildlife & Countryside Act 1981 (as amended). The National Planning Policy

Framework (paragraph 175c) states that development likely to have an adverse effect on SSSIs should not normally be permitted. Natural England's SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the Natural England Open Data Geoportal. Our initial screening indicates that one or more Impact Risk Zones have been triggered by the proposed development, indicating that impacts to SSSIs are possible and further assessment is required. You should request sufficient information from the developer to assess the impacts likely to arise and consider any mitigation measures that may be necessary.

### Biodiversity duty

Your authority has a duty to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information is available [here](#).

### Protected Species

Natural England has produced standing advice<sup>1</sup> to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

### Local sites and priority habitats and species

You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraphs 171 and 174 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies.

Priority habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. The list of priority habitats and species can be found [here](#)<sup>2</sup>. Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found [here](#).

**Ancient woodland, ancient and veteran trees** You should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 175 of the NPPF. Natural England maintains the Ancient Woodland Inventory which can help identify ancient woodland. Natural England and the Forestry Commission have produced standing advice for planning authorities in relation to ancient woodland and

ancient and veteran trees. It should be taken into account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a SSSI or in exceptional circumstances.

1 <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

2 <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

## Access and Recreation

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways should be considered. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be delivered where appropriate.

## Environmental enhancement

Development provides opportunities to secure net gains for biodiversity and wider environmental gains, as outlined in the NPPF (paragraphs 8, 72, 102, 118, 170, 171, 174 and 175). We advise you to follow the mitigation hierarchy as set out in paragraph 175 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you should consider off site measures. Opportunities for enhancement might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Designing lighting to encourage wildlife.
- Adding a green roof to new buildings.

You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:

- Links to existing greenspace and/or opportunities to enhance and improve access.
  - Identifying opportunities for new greenspace and managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips)
  - Planting additional street trees.
  - Identifying any improvements to the existing public right of way network or using the opportunity of new development to extend the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).

### **Further Comments**

Natural England has previously commented on this proposal and made comments to the authority in our letters dated 10th January, 17th September and 7th October 2020.

The advice provided in our previous response applies equally to this amendment.

The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

### **Environmental Health**

I have assessed the above application the application and note the following:

This site was subject to a recent planning appeal on planning application reference 17/1539/MFUL, which was dismissed. We made the following comments regarding the previous application (17/1539/MFUL):

Environmental Health notes that the proposal is a sensitive residential development in a mixed commercial/residential area adjacent to a busy road. We have concerns that there will be potential noise impact from traffic, extract systems and a petrol station nearby. We need to be satisfied that the building design has incorporated appropriate mitigation against the existing noise sources. Therefore a noise report is needed which must include an evaluation of the existing noise climate and the measures included in the building design and facilities to mitigate against any intrusive noise.

A noise report by HRS services Ltd, HRS reference 127118-AC-1v2 dated 25 September 2017 was submitted at this time. The report states:



"The site was observed to be exposed to moderate to low noise levels from traffic on Salterton Road and works within the Tesco yard during the day.

Noise sources during the night along the southern boundary comprised traffic on Salterton Road in addition to building services noise from the surrounding commercial plots, although such noise during this period was moderate. Low noise levels were also experienced along the northern site perimeter during the night time period with noise arising from infrequent traffic along Salterton Road and to a lesser extent Prince of Wales Drive and the surrounding road networks, in addition to building services from the surrounding commercial plots.

The survey data and observations have been used to determine broadly anticipated façade acoustic performances in line with the guidance provided in BS 8233:2014. Standard non-acoustic glazing and ventilate ventilation elements will be acoustically sufficient.

The use of opening windows provide rapid ventilation (should this be an option on this particular development) has been identified as a low risk strategy for the client based on the existing in external noise levels at the site."

My comments on the current application

I note the following from the 2017 HRS report:

- o Measurements were made over a limited time period and paragraph 3 titled "noise survey" states the measurements were taken from 1500 to 1800 Wednesday, 6 September and from 2300 to 0200 from the 6 September - 7 September 2017

- o Table 2 states that LA MAX measurements made between 2300 and 0200 varied between varied between 67 and 74

- o Appendix 1 of the report states that measurements were also made on the 14th and 15th of November 2016 and these measurements varied from approximately 63 dB to 88

- o Paragraph 4.5 states "However a specific maximum LAF Max value is not given by BS 8233:2014. HRS proposes that for bedrooms at night, individual noise events should not normally exceed 45 dB LAF Max.

Please also note that measurement positions equate to the nearest residential façades of the proposed application site. This is important as internal noise levels are recommended not to exceed 45 dB LA Max. The World Health Organisation noise guidelines for Europe states that internal noise levels greater than 42 dB LA Max causes people to wake up during the night and/or wake up too early in the morning.

From the data submitted in this noise assessment, it would seem likely that during the time 2300 to 0700 that this criteria will be exceeded assuming windows open which provides between 10 and 15 dB of sound reduction.

Acoustic design statements should provide a detailed assessment individual noise and events like to exceed 45 dB LA Max more than 10 times per night. This report does nothing to address this likely exceedance, despite the inclusion of paragraph 4.5 (mentioned above).

Given these exceedances, and the nature of the development, bedrooms should ideally be sited away from these noisy night time noise sources or appropriate levels

of mitigation are undertaken. Such mitigation may include mechanical ventilation systems and/or air conditioning to enable windows to be kept closed during the hot summer months. This is particularly relevant in Exmouth, as the town is busier during the summer.

Given the close proximity of the nearest residential units to the petrol filling station I would recommend an odour impact assessment is also undertaken.

I hope the above is self-explanatory. Please do not hesitate to contact me for further advice or information.

Further Comments:

Please see Environmental Health comments for:

19/2710/MFUL - amended

Erection of extra care/assisted living accommodation (Class C2) with communal facilities and car parking; erection of Class B1 office accommodation and car parking; development to be accessed from Salterton Road

I have assessed the application and details submitted and recommend the phased contaminated land condition, CT3, which I have copied out below:

CT3                      Phased Condition:

Unless otherwise agreed by the Local Planning Authority, development, other than that required to be carried out as part of an approved scheme of remediation, must not commence until conditions 1 to 4 below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 4 has been complied with in relation to that contamination.

#### 1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination.

(ii) an assessment of the potential risks to:

Human health,

Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,

Adjoining land,

Groundwaters and surface waters,

Ecological systems,  
Archeological sites and ancient monuments.

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11.

## 2. Submission of Remediation Scheme

Where identified as necessary as a result of the findings of the investigation above, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared and submitted for approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

## 3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development (other than any part of the development required to carry out remediation), unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and will be subject to the approval in writing of the Local Planning Authority.

## 4. Reporting of Unexpected Contamination

In the event that contamination is found at any time during the approved development works that was not previously identified, the findings must be reported in writing immediately to the Local Planning Authority. A new investigation and risk assessment must be undertaken in accordance with the requirements of condition 1 above and where remediation is necessary a new remediation scheme must be prepared in accordance with the requirements of condition 2. This must be subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

## 5. Long Term Monitoring and Maintenance

Where identified as necessary, a monitoring and maintenance scheme to include monitoring the longterm effectiveness of the proposed remediation over a period to be agreed with the LPA, and the provision of reports on the same must be prepared, both of which will be subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land, together with those to controlled waters, property and ecological systems, are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN16.

Further Comments:

Erection of extra care/assisted living accommodation (Class C2) with communal facilities and car parking; erection of Class B1(b) or B1(c) accommodation (322 sqm employment floorspace) with associated car parking; development to be accessed from Salterton Road.

The application proposes new industrial and business use premises within close proximity to proposed and existing residential properties. We have concerns about the noise impact on proposed and existing properties caused by the juxtaposition of the two different use classes. The site layout shows that the proposed industrial and business use premises could result in noise breakout to the proposed and existing residential properties, particularly the nearest residential property which is located opposite and within fifty metres. Vehicle access and parking for the proposed industrial and business use premises will also result in noise to the proposed and existing residential properties. Should the Planning Authority be minded to grant permission for this application, restrictions would be necessary to control noise from business activity outside the proposed buildings, operating times, vehicular access, and plant and machinery. We would therefore recommend the following conditions:

Conditions relating to the use of B1 element accommodation:

The B1 premises shall not be open for business except between the hours of 8am - 6pm Monday to Friday, or 8am-1pm on Saturdays, and not at all on Sundays or Bank Holidays.

Reason: To protect the amenities of local residents from noise.

No machinery shall be operated, no processes carried out and no deliveries accepted or despatched except between the hours of 8am - 6pm Monday to Friday, or 8am - 1pm on Saturdays, and not at all on Sundays or Bank Holidays.

Reason: To protect the amenities of local residents from noise.

No work activities or storage shall be carried on outside the buildings. All activities which involve noise with the potential to be audible off-site, including hammering, banging, sawing and the use of mechanical plant, shall be undertaken within the building with all doors and windows closed.

Reason: To protect the amenity of local residents from noise and/or dust.

A 2.5 metre close boarded acoustic fence shall be erected on the rear boundary within 1 month of any planning approval and maintained throughout the life of this use. This should be erected between the single dwelling to the east of the site, and also between the carpark of the proposed industrial unit and the proposed flats on the southern boundary of the industrial units. Fencing shall be imperforate and a surface density greater than 10kg/m<sup>2</sup>

Reason : To protect the amenities of local residents.

We also anticipate that there may be impacts from light intrusion from the industrial units, which would need to be addressed by the applicant. We would therefore recommend the following condition:

A lighting scheme shall be provided for the site which complies with the requirements of the Institute of Light Engineers guidance on the avoidance of light pollution. The lamps used shall not be capable of reflecting light laterally, upwards or off the ground surface in such a way that light pollution is caused. No area lighting shall be operated outside the agreed working hours of the site, although low height, low level, local security lighting may be acceptable.

Reason: To comply with Policy EN15 for the avoidance of light pollution.

Conditions relating the proposed living accommodation, class C2:

The proposal site is situated next to a Tesco store with a service yard located to the north-west of the proposal site, a petrol station to the south-west, and Salterton Road to the south. The HRS Noise Report, reference HRS-127118-AC-1v2, states that night time noise monitoring occurred over a four hour period from 23.00 to 02.00 from 6 September to 7 September 2017. The report identifies that the predominant noise sources during the night-time arose from occasional traffic on Salterton Road and building services surrounding the commercial units, with LAf Max measurements varying between 67 and 74. The Tesco store does not have time restrictions relating to the movement of HGVs for the delivery of goods. Monitoring location N2 at the northern edge of the site would have received acoustic benefits of the Tesco's building and may not have picked up noise from movement of HGVs and the delivery of goods into the Tesco store during the short monitoring period.

In order to mitigate against disturbance caused by the LAf Max levels, we recommend that the following conditions are both applied:

A suitable mechanical ventilation system should be installed within residential dwellings of the proposed development in order to afford future residents thermal comfort and cooling during warmer months, without the need for opening windows. The scheme shall be submitted and approved by the Local Planning Authority prior to commencement of construction.

Reason: To protect the amenities of future residents from excessive noise.

Windows situated on the façade of residential dwellings of the proposed development should be acoustically treated in order to improve the acoustic performance of the building design. The scheme shall be submitted and approved by the Local Planning Authority prior to commencement of construction.

Reason: To protect the amenities of future residents from excessive noise.

Comments from Environmental Health previously recommended that an odour management report was submitted with the application to determine the impact from the petrol filling station. However, we have not yet received this report and we would recommend a condition requesting one.

Comments relating to the construction phase of the development:

We recommend the following condition to request a Construction Environmental Management Plan for the construction phase of the development:

A Construction and Environment Management Plan must be submitted and approved by the Local Planning Authority prior to any works commencing on site, and shall be implemented and remain in place throughout the development. The CEMP shall include at least the following matters: Air Quality, Dust, Water Quality, Lighting, Noise and Vibration, Pollution Prevention and Control, and Monitoring Arrangements. Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site. There shall be no high frequency audible reversing alarms used on the site.

Reason: To protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution.

Further Comments:

Erection of extra care/assisted living accommodation (Class C2) with communal facilities and car parking; erection of Class B1(b) or B1(c) accommodation (322 sqm employment floorspace) with associated car parking; development to be accessed from Salterton Road.

Thank you for consulting Environmental Health on the recently submitted Odour Report, Noise Report and acoustic fence specification.

The submitted Noise Report by 'Stroma Built Environment', Ref 10-20-852-63-AC-lv3, recommends that based on the noise measurements a mechanical ventilation with heat recovery system is installed to prevent overheating in summer should windows need to be kept closed. We therefore recommend that the following condition is applied:

A suitable mechanical ventilation system should be installed within residential dwellings of the proposed development in order to afford future residents thermal comfort and cooling during warmer months, without the need for opening windows. The scheme shall be submitted and approved by the Local Planning Authority prior to commencement of construction.

Reason: To protect the amenities of future residents from excessive noise.

The Noise Report shows that standard non-acoustic glazing and ventilation elements will be sufficient based on recommendations of BS8233:2014. We are therefore satisfied that condition requesting acoustically treated windows can be removed.

The submitted Odour Report, Ref J0478/1/F1, assesses the risk of odour effects from the neighbouring petrol station and shows that there is slight risk to residents at the proposed development and this is not considered to be significant. We therefore do not wish to recommend further conditions relating to odour.

Some of our previous comments relating to the use of the B1 accommodation, submitted on 16.11.2020, are still current. These recommended conditions are as follows:

The B1 premises shall not be open for business except between the hours of 8am - 6pm Monday to Friday, or 8am-1pm on Saturdays, and not at all on Sundays or Bank Holidays.

Reason: To protect the amenities of local residents from noise.

No machinery shall be operated, no processes carried out and no deliveries accepted or despatched except between the hours of 8am - 6pm Monday to Friday, or 8am - 1pm on Saturdays, and not at all on Sundays or Bank Holidays.

Reason: To protect the amenities of local residents from noise.

No work activities or storage shall be carried on outside the buildings. All activities which involve noise with the potential to be audible off-site, including hammering, banging, sawing and the use of mechanical plant, shall be undertaken within the building with all doors and windows closed.

Reason: To protect the amenity of local residents from noise and/or dust.

We have had correspondence with the planning agent and accept that the proposed B1 industrial units should not have detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. We do have concern that noise and light from vehicles accessing the industrial units will affect the amenity of existing and proposed properties. We therefore recommend the following condition:

We recommend that a 2 metre imperforate fence is erected between the single dwelling to the east of the site, and also between the carpark of the proposed industrial unit and the proposed flats on the southern boundary of the industrial units. This should be installed before the first occupation of the industrial units.

Reason : To protect the amenities of local residents.

A lighting scheme shall be provided for the site which complies with the requirements of the Institute of Light Engineers guidance on the avoidance of light pollution. The lamps used shall not be capable of reflecting light laterally, upwards or off the ground surface in such a way that light pollution is caused. No area lighting shall be operated outside the agreed working hours of the site, although low height, low level, local security lighting may be acceptable.

Reason: To comply with Policy EN15 for the avoidance of light pollution.

Our comments relating to the construction phase of the development are still current. This condition is as follows:

A Construction and Environment Management Plan must be submitted and approved by the Local Planning Authority prior to any works commencing on site, and shall be

implemented and remain in place throughout the development. The CEMP shall include at least the following matters : Air Quality, Dust, Water Quality, Lighting, Noise and Vibration, Pollution Prevention and Control, and Monitoring Arrangements. Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site. There shall be no high frequency audible reversing alarms used on the site.

Reason: To protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution.

Contaminated Land Officer

I have assessed the application and details submitted and recommend the phased contaminated land condition, CT3.

Devon County Highway Authority

This site underwent a planning application in 2006 (06/1933/MFUL) and 2017 (17/1539/MFUL).

The proposal intends to retain the existing main vehicular access onto Salterton Road (B3178) with improvements to the visibility than the current layout gives. A secondary pedestrian access for connectivity will also lead directly to the heart of the accommodation centre. The parking numbers do not quite allow for a dedicated parking space per accommodation unit, however due to the type of occupants predicted, I do not believe this presents a particular problem, especially due to the nearby facilities and services together with the local bus service. Parking numbers is a policy for East Devon District Council to regulate though the parking geometry appears to standard with extra spaced disabled bays and sufficient room for vehicles to turn and re-enter the carriageway in a forward facing motion.

The employment building and parking layout towards the rear of the site seems coherent in terms of parking layout and turning space. The access, leads on from the residential access. I would recommend the provision of secure cycle storage to encourage employees to sustainable travel especially with the near Exe-estuary trail.

Overall, however the County Highway Authority has no objection this planning application.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, MAY WISH TO RECOMMEND CONDITIONS ON ANY GRANT OF PLANNING PERMISSION

1. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;



- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
- (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works; and
- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (k) details of wheel washing facilities and obligations
- (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
- (m) Details of the amount and location of construction worker parking.

2. No development shall take place until details of secure cycle/scooter storage facilities have been submitted to and approved in writing by the County Planning Authority. The development shall be implemented in accordance with the approved details.

REASON: To promote sustainable travel in accordance with the East Devon Local Plan 2013-2031.

#### South West Water

I refer to the above application and would advise that South West Water has no objection subject to surface water being managed in accordance with the submitted Flood Risk Assessment.

#### DCC Flood Risk Management Team

Recommendation:

At this stage, we object to this planning application because we do not believe that it satisfactorily conforms to Policy EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan (2013-2031). The applicant will therefore be required to submit additional information in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

Observations:

The Proposed Impermeable Areas Drawing (Drawing No. 17169-052, Rev. D, dated 15th November 2019) shows the total impermeable areas of 4,938m<sup>2</sup> but the MicroDrainage model uses an overall impermeable areas of 0.463ha. The applicant would need to check and confirm the correct total impermeable areas.

The proposed off-site discharge rate is 5 l/s, but this does not match the submitted greenfield runoff rates. Indeed, on small sites where the greenfield runoff rates are very low, we still wish to see discharge rates as close as possible to the greenfield performance, whilst also ensuring that a maintainable control structure can be provided. This is due to the fact that modern control structures can now facilitate discharge rates lower than 5 l/s, and as a result the minimum 5 l/s discharge rate recommendation is being phased out of national best-practice.

The applicant should therefore provide confirmation from South West Water regarding the acceptable minimum size of the orifice for this site and that they have agreement in principle to discharge into their network.

The applicant must submit information regarding the adoption and maintenance of the proposed surface water drainage management system in order to demonstrate that all components will remain fully operational throughout the lifetime of the development.

#### Further Comments

#### Recommendation:

At this stage, we object to this planning application because we do not believe that it satisfactorily conforms to Policy EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan (2013-2031). The applicant will therefore be required to submit additional information in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

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EDDC Landscape Architect - Chris Hariades

**Full comments on the website, planning policies and suggested conditions have been removed from the response below.**

## 1 INTRODUCTION

This report forms the EDDC's landscape response to the full application for the above site.

The report provides a review of landscape related information submitted with the application in relation to adopted policy, relevant guidance, current best practice and existing site context and should be read in conjunction with the submitted information.

## 2 LOCATION, SUMMARY PROPOSALS, SITE DESCRIPTION AND CONTEXT

### 2.1 Location and brief description of proposals

The proposal is for the development of a four storey apartment block for supported living and separate B1 office accommodation and associated parking off Salterton Road towards the eastern edge of Exmouth. This will require the removal of a number of mature trees within the centre of the site and in the vicinity of the existing entrance.

### 2.2 Site description and context

The site was formerly a detached dwelling set in its own grounds extending to 0.7Ha but is now a vacant plot with a number of mature trees around the boundaries and within the centre of the site. Site access is from the south directly off Salterton Road. The land slopes gently to the south. A small house is situated immediately to the north east of the site served by an access drive that runs through the site along the eastern boundary.

A Tesco superstore abuts the western boundary. Land to the north, and south is residential. Land to the east is light industrial/ commercial with a small housing development to the southeast.

The site lies within the Exmouth BUAB. Most of the trees within the site are protected by a blanket TPO.

There is no public access within the site. Salterton Road runs immediately adjacent to the southern boundary.

The site is presently well screened from public vantage points and there are no views in other than glimpse views from Salterton Road through existing site entrances, although it is overlooked to some degree by residential properties to the north and south.

## 3 REVIEW OF SUBMITTED INFORMATION

### 3.1 Trees

It is unclear from the Site Plan - Ground and part first floor - whether trees T44, 45 and 46 to the southern boundary are to be retained or removed. Subject to agreement with the EDDC Tree Officer it is suggested that trees T45 and 46, which are category C, should be removed to facilitate the planting of a strong line of large growing trees to the road frontage. T44 (Cat B ash) should be retained and the RPA correctly plotted on the layout plan.

There are a number of potential conflicts in the proposed layout with root protection areas (RPAs) of existing trees. In particular the following points are noted:

There appears to be extensive grading works proposed within the RPA of T44 with levels being built up by 0.8m. To avoid this a retaining wall should be provided along the southern edge of the adjacent footpath to the north.

The RPA of the existing tree belt identified as T1 on the tree survey appears to be incorrectly drawn. Based on the information shown on the Tree Constraints Plan the RPA should be offset 3m from the site boundary, whereas it is shown as only 1.2m on the site plan. The RPA on the site plan and other landscape plans should be adjusted accordingly.

Flats 5 and 6 and the adjacent access path to the west are too close to the western boundary and their construction is likely to adversely impact the RPA of tree group T1 especially as it appears that it is proposed to raise existing levels by over 1m within the RPA. It is also likely that they will block light to the flats resulting in pressure to reduce their canopies to allow more light. This would have a very adverse effect on the tree group which is prominent from Salterton Road and the Tesco site. To prevent this the layout should be amended by moving the flats sufficiently away from the boundary.

It is noted that grading works are required to reduce levels of the rear garden area relative to the western boundary. The extent of grading works should be clearly indicated on the layout drawing with additional levels to demonstrate that the RPA of tree group T1 will not be adversely effected.

The proposed gazebo and associated paving within the rear garden should be shifted southwards to ensure that associated grading works do not encroach the RPA of tree group T5 to the north. Further levels and grading information should be included on the drawing to demonstrate that the RPA will not be affected by this or construction of the link path between the gazebo and side of flat 22.

Construction of the site access road requires a reduction of existing levels by up to 2m and consequently a retaining wall is proposed to the east side. However, it does not appear that this extends far enough to prevent adverse impact on the RPAs of trees T23, 24 and 37. The wall should be extended accordingly or proposed levels and grading information provided to demonstrate that this will not be the case.

The proposed office building is situated between 1.8 and 2.2m off the western boundary which in this location currently comprises a close board fence, beyond which is a group of ash, sycamore and elder. Although these trees are indicated on the tree constraints plan and tree protection plan and shown as overhanging the boundary by

up to 2m they are not included in the tree survey. There is potential for construction of the proposed office building to adversely impact on their RPAs and canopies which needs to be properly considered. It is also likely that due to the large windows proposed to the west elevation of the office block that there will be pressure to reduce the tree canopies to allow more light in to the building. The building should be offset further from the site boundary to avoid these impacts.

The tree protection plan, drawing no. TPP01 Rev 0 indicates that no-dig construction methods should be adopted where proposed office parking bays encroach on the RPA of tree T14. Due to a lack of proposed and existing levels information on the layout it is not possible to verify whether this can effectively be achieved and further levels information should be provided in respect of this. In any event it would be better to reconfigure the parking to create extra spaces to the north of bay 1 and west of bay 15 instead, to avoid any incursion into the RPA of T14.

Protective fencing should be indicated on the tree protection plan, to the edge of the RPAs of tree groups T1 and T5 and to the unnamed group to the west of the proposed office building.

### 3.2 Layout generally - refer Site plan ground & part first floor

The width of the planting bed to the south of office parking bay 14 should be increased by shifting bays 10-14 northwards by 2 metres. This would allow a large tree to be planted (with appropriate soil volume provision) in this location as a focal point for the site access road.

The proposed planting strips on the centre line of the double parking bays to the front of the apartment building scale at 0.6m width. It is very doubtful that this will allow sufficient soil to sustain healthy plant growth especially factoring in the additional width taken out by kerb haunching. It is suggested that the layout is amended to omit these beds from parking bays 7-17 and 28-32 and to use the saved width to increase the width of the bed to the centre of parking bays 18-23 which could then also support the planting of two trees.

The siting of the sub-station is unfortunate. Is there scope to reposition it to somewhere less prominent such as set into the bank to the north of flat 23? This would allow additional planting to be provided adjacent to the access road.

### 3.3 Levels

More detailed levels information (existing and proposed) is required to be shown on the site layout plan particularly around the office building and associated car park where no proposed levels information is currently provided. The extent of grading works all embankments and slopes steeper than 1:3 and any retaining structures should be clearly indicated on the site and landscape plans.

### 3.4 Drainage - Refer Proposed drainage strategy drawing no. 17169-050 Revision D

The proposed outlet from the storm water attenuation tanks should be realigned so as to avoid the RPA of tree T44.

Contrary to good SuDS design practice (refer Devon CC SuDS Manual 2015), storm water management is entirely dealt with through underground attenuation tanks. There is scope to provide infiltration from roofs and hard surfaces through swales and soft landscape areas to the south and west sides of the apartment block which would reduce offsite outflow and add biodiversity benefit. The provision of a pond in the rear garden area which also add visual and biodiversity interest. Such measures should be considered and incorporated into the drainage strategy.

### 3.5 Landscape proposals (Swan Paul Partnership drawings)

#### 3.5.1 Generally

- There is variation in the Swan Paul drawings in the plotting of trees T44, 45 & 46. These should be checked and amended to show clearly and consistently trees to be removed and trees to be retained.
- Three plans have been submitted titled Detailed Planting and numbered 007, 007.1 and 007.2 respectively. The layout shown on drawing 007 does not reflect the other scheme drawings and to avoid confusion this drawing should be withdrawn.

#### 3.5.2 Fences, steps and rails drawing, no. SW-2427-03-LA-005 Revision D

- The drawing only covers the southern area of the site and further detail should be provided in respect of proposed treatments to the northern area.
- A proposed 2m high acoustic fence is shown on the line of the western site boundary. This seems unnecessary. It will have an adverse visual impact in views from Salterton Road and the Tesco site and its installation is likely to have an adverse impact on the RPAs and canopies of tree groups 1 and 5. The fence should be omitted and, if a new fence is required, it should be provided on the site side of the tree canopy extent and comprise a suitable proprietary dark coloured wire mesh.
- Construction details are required for the proposed retaining walls indicated on the drawing including any associated safety barriers. These could be provided by condition should the application be approved.

#### 3.5.3 General arrangements drawing no. SO-2427-03-LA-002

- The proposed security fence and gate to the side of flat 5 should not encroach on the RPA of tree group T1.
- Grass areas to the east of the access road, the southern site boundary and the north of flat 23 should be sown and managed as wildflower meadow areas in accordance with recommendations in the ecological survey.
- Proposed trees to the east of the site access road are located too close to existing trees and should be moved out closer to the road.

#### 3.5.4 Detailed planting drawings 1/2 and 2/2, drawing nos. SW-2468-03-LA-007.1 and 007.2

- As noted above grass areas to the east of the access road, southern site boundary and north of flat 23 should be sown and managed as wildflower meadow areas in accordance with recommendations in the Ecological survey.

- Proposed trees to the east of the site access road are located too close to existing trees and should be moved out closer to the road. The proposed species are too small and should be replaced with large trees.
- Planting to the perimeter of the office building comprises trees in grass. Further native planting should be provided to soften the boundaries and provide screening and bio-diversity value.
- There is a discrepancy between the General Arrangements drawing which indicates a native hedgerow to the southern edge of the office car park in accordance with the recommendations of the ecological survey and the detailed planting plans which show this as a single species ornamental hedge. The detailed planting plans should be amended to revert to a native hedgerow in this location.
- Proposed tree planting to the street frontage should comprise a line of large trees such as *Tilia cordata*.
- The proposed hedge to the street frontage comprises blocks of single species including *Sarcococca* which is very slow growing. The planting should be replaced with a suitable single species or uniform mix of suitable shrubs to be maintained as a hedge.
- Planting specification
  - o BS Topsoil should be multi-purpose grade
  - o In relation to sub-soil preparation a note should be added that no machine works to be undertaken within RPA of trees to be retained.
  - o Tree pits in extensive areas of soft landscape should be excavated to a depth no greater than necessary to accommodate the depth of the root-ball. Backfill should comprise excavated soil to reflect existing soil horizons. There should be no need for the addition of compost or fertilizer.
  - o The tree pit detail in soft ground, dwg. no. SW-03-LA-008-Tree Pits, should also be amended accordingly.
  - o A specification should be provided for wildflower areas including soil, cultivation and sowing.
- Maintenance specification
  - o Allow for topping up bark mulch to 75mm at end of first year.
  - o Include for maintenance of wildflower areas and grass areas with bulbs.
- Plant schedule
  - o The schedule included on the drawings is too small to read and a larger version should be provided.

### 3.6 Design and Access Statement (DAS)

Page 1 of the DAS makes reference to a Devon hedgebank to be provided on the northern boundary of the site as indicated on drawing LA-009. This does not appear to be included with the application. Please provide.

### 3.7 Ecological survey

The ecological survey makes the following recommendations for biodiversity mitigation/ enhancement which need to be reflected in the submitted details:

- Creation of 1135m<sup>2</sup> of species rich grassland.
- Creation of 50 metres of native hedgebank.
- Provision of bat and bird boxes on proposed buildings/ existing trees

- Clearance of invasive non-native species (cotoneaster and cherry laurel) from site. An eradication plan should be provided plotting the locations of these.
- Limiting light spill from the development. Detailed external lighting proposals and impact assessment should be required to be submitted as a condition of approval.

### 3.8 Green Infrastructure

- Details of the proposed secure cycle store should be provided. This should include charging points for electric bikes. A cycle store should also be provided to serve the office building.
- Rainwater butts should be provided to collect roof rainwater for garden watering.
- Solar panels should be included on suitable roofs.
- Electric vehicle charging points should be provided to both car parks.

## 4 CONCLUSIONS & RECOMMENDATIONS

### 4.1 Acceptability of proposals

In principal the proposed use and scale of development could be considered acceptable in terms of landscape and visual impact. However, in terms of detail design, impact on site trees and green infrastructure provision the proposals fail to meet the requirements of Local plan policies - Strategy 3, D2 and D3 and amendments are required as noted at section 3 above. Subject to amended details being received that address the above issues the scheme could be considered for approval.

Further Comments:

## 1 INTRODUCTION

This report forms the EDDC's landscape response to recently submitted additional information relating to the full application for the above site.

The report provides a review of landscape related information submitted with the application in relation to adopted policy, relevant guidance, current best practice and existing site context and should be read in conjunction with the submitted information.

## 2 REVIEW OF SUBMITTED LANDSCAPE DETAILS

### 2.1 Submitted details

- General arrangement Rev. ?
- General paving details Rev. D
- Kerbs and Edges Rev. ?
- Fences steps and rails sheet 1 of 2 Rev. C
- Acoustic fence sheet 2 Rev. B
- Planters seating and street furniture 1 of 2 Rev. A
- Planting seating and street furniture 2 of 2 Rev. -
- Detailed planting sheet 1 Rev. ?
- Detailed planting sheet 2 Rev. ?
- Tree pit details Rev. A
- Devon hedgebank sheet 3 of 3 Rev. -

### 2.2 Issues identified

Generally the submitted landscape details are acceptable but the following issues are identified that require amendment/ further information:



### Proposed road frontage and access ramp

No construction detail is provided for the proposed access ramp leading on to Salterton Road, but it is awkwardly arranged and prevents a continuous treatment of the road frontage planting and the design should be re-considered. The two proposed trees sandwiched between the two ramps are unlikely to have sufficient soil volume to support sustained, healthy growth and the planting between the footway and the lower ramp section tapers to an unfeasibly narrow width to support proposed shrub planting. The access ramp seems unnecessary and a better access arrangement is shown in the over-marked drawing extract below. This would be easier for mobility scooter and wheelchair users, avoiding acute turns. With this alternative, for users heading to/ arriving from the east the travel distance is much shorter while for users heading to/ arriving from the west it is only slightly longer. It also provides a better connection to the proposed footway to the east side of the proposed access road. This arrangement is also likely to be less costly.

### Industrial unit car park

The eastern end of the industrial unit car park encroaches into the RPA of a mature tree to the east. It is unclear from the levels details provided to what extent ground excavations/ fill will be required within the RPA. An arboricultural method statement should be provided as a condition of any approval to show detailed proposed and existing levels and required construction measures to avoid adverse impact on the RPA.

### Proposed acoustic fence

A proposed 2m high acoustic fence is indicated on the landscape drawings through the established tree belt on the western site boundary and illustrated in the aerial photograph below.

It is likely that the installation of such a fence would require significant cutting back of branches and disturbance of tree roots. A solid barrier this high will also deprive understorey vegetation of light.

I would question the need for an acoustic barrier in this situation and recommend that, if a fence is to be provided to this boundary, it comprises a suitable wire or steel mesh type located outside of the RPA of the existing treeline.

### Trees in hard paving

Three *Pyrus c. Calleryana* trees are proposed within the front car park. In order to ensure adequate soil volume the entire beds within which they are to be planted should be made up with 500mm topsoil on 150mm subsoil and the tree pit detail, planting plans and specification should be amended to reflect this.

### Proposed Devon hedgebank

I have concerns about the proposed hedgebank detail particularly the proposed inclusion of geo-grid layers which are likely to constrict hedge plant roots. The detail

should be amended to reflect guidance provided by the Devon Hedge Group, refer Appendix 1. I would suggest that a height of 1.2m would be sufficient.

### Cycle storage

The only cycle storage proposed is a semi-open shelter with a capacity for 6 bikes. This is barely likely to be sufficient for staff use let alone residents'. A larger, secure cycle store is required to accommodate a minimum of 20 bikes for residents use, laid out in accordance with SusTrans standards. The store should be provided with a secure lock and include internal lighting and e-bike charging points. A suitable location would be to the north of the main block between the side access path and proposed Devon hedgebank.

Adequate cycle storage provision is also required for the proposed industrial units.

## 3 CONCLUSION AND RECOMMENDATIONS

Subject to receipt of satisfactory amended details addressing the above issues the submitted landscape could be considered acceptable

### Further Comments:

My response dated 14.1.2021 raised a number of landscape related issues to be addressed by the applicant. Amendments have been made in some instances to the submitted details. Other issues raised have been addressed in a response from the applicant's landscape architect dated 28.1.2021 and my further response to these is as follows:

1) Proposed access ramp from Salterton Road – Having visited site again I note that the large roadside ash tree (T44) to the west of the proposed site entrance is not in the best condition and there is a fair likelihood that it could succumb to Ash die-back in the next few years requiring its felling. Given its condition, likely limited life, the greater difficulty of felling it once the scheme is complete and the gap it would leave in the roadside frontage, it seems sensible that it should be felled on commencement of site works. I have discussed this matter with the District Tree Officer who agrees with this approach. Removal of the tree should enable a reconfiguration of the pedestrian access arrangements from Salterton Road to create a better frontage arrangement and line of new trees that would make a positive contribution to the street scene.

2) Tree RPA to north east corner of industrial units car park – As a condition of approval detailed levels information and an AMS is required in respect of the proposed industrial units car park levels adjacent to the RPAs of trees T14 and T15 as a condition of approval.

3) Acoustic barrier to western site boundary – Having revisited the site to assess the existing arrangement to this boundary I confirm that the proposed acoustic fence is acceptable provided that it is located on the existing fence line and that as far as possible it utilises existing post holes in order to minimise impact on adjacent trees. The proposed fence line should be indicated on the landscape drawings and a note provided to confirm this.

4) Trees in hard paving – The proposed *Pyrus calleryana* have an average mature spread of 5.5 m which would require a soil volume of 14m<sup>3</sup> equivalent to an area of 23m<sup>2</sup> x 600mm deep. There is insufficient soil volume within the bed adjacent to parking bay 17 to provide this and a crated soil system would be required under adjacent paving to extend this. Alternatively use of a slightly smaller growing species such as *Acer campestre* Streetwise or *Sorbus aria* Lutescens could be accommodated within the proposed planting bed without extending the soil volume.

5) Devon Hedgebank reinforcement mesh – the revised detail would be acceptable subject to confirmation that the mesh would have an aperture of at least 75mm (100mm preferably) in order to ensure roots are not constricted.

6) Cycle stores – The revised details for the proposed cycle stores are generally acceptable. However in respect of the one serving the retirement home the manufacturer's recommend a clear space of 1.5m in front of the shelter for ease of access. There is currently only 1m allowed and this should be increased accordingly. Provision should also be made for internal lighting and two charging points for e-bikes.

7) Entrance road levels – I have just noticed that there appear to be errors in the existing and proposed levels at the site entrance shown on the landscape drawings and proposed site plan, which do not correspond with the topographic survey. The drawings should be checked and corrected as necessary. In particular the level of 60.67 shown on the site plan at the junction with the street footway appears to be some 280mm above existing level, which is unworkable. (Refer drawing extracts below).

#### NHS Royal Devon & Exeter NHS Foundation Trust

This is a consultation response to the planning application ref: 19/2710/MFUL in relation to Erection of extra care/assisted living accommodation (Class C2) with communal facilities and car parking. Erection of Class B1 office accommodation and car parking. Development to be accessed from Salterton Road

#### Introduction

Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The creation and maintenance of healthy communities is an essential component of sustainability as articulated in the Government's National Planning Policy Framework, which is a significant material consideration. Development plans have to be in conformity with the NPPF and less weight should be given to policies that are not consistent with the NPPF. Consequently, local planning policies along with development management decisions also have to be formulated with a view to securing sustainable healthy communities. Access to health services is a fundamental part of sustainable healthy community. As the attached document demonstrates, University Hospitals of Leicester NHS Trust (the Trust) is currently operating at full capacity in the provision of acute and planned healthcare.

It is further demonstrated that this development will create potentially long term impact on the Trust ability provide services as required.

The Trust's funding is based on previous year's activity it has delivered subject to satisfying the quality requirements set down in the NHS Standard Contract. Quality requirements are linked to the on-time delivery of care and intervention and are evidenced by best clinical practice to ensure optimal outcomes for patients.

The contract is agreed annually based on previous year's activity plus any pre-agreed additional activity for clinical services. The Trust is unable to take into consideration the Council's housing land supply, potential new developments and housing trajectories when the contracts are negotiated. Further, the following year's contract does not pay previous year's deficit retrospectively. This development creates an impact on the Trust's ability provide a services required due to the funding gap it creates. The contribution sought is to mitigate this direct impact.

CIL Regulation 122 and 123

The Trust considers that the request made is in accordance with Regulation 122:

"(2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development."

S 106

S 106 of the Town and Country Planning Act 1990 (as amended) allows the Local Planning Authority to request a developer to contribute towards the impact it creates on the services. The contribution in the amount £21,489.00 sought will go towards the gap in the funding created by each potential patient from this development. The detailed explanation and calculation are provided within the attached document.

Without the requested contribution, the access to adequate health services is rendered more vulnerable thereby undermining the sustainability credentials of the proposed development due to conflict with NPPF and Local Development Plan policies as explained in the attached document (under "view associated documents" tab)

### Other Representations

A total of 19 representations have been received, 12 raising objections, 5 in support and 2 making observations. These are summarised below:

#### Objections

- Parking problems will be exacerbated
- Increase in noise
- Effect on trees
- Additional sewage problems
- Further risk of flooding
- Design
- Access arrangements

- Already four elderly accommodation on Salterton Road
- Additional traffic creating highway safety issue
- Further light pollution
- Not in compliance with local or neighbourhood plan
- Loss of employment land
- Additional demands on healthcare and other services
- No range or mix of dwellings
- Fails to respect key characteristics of the area
- Need more affordable accommodation
- Accommodation for young people needed
- Special needs accommodation required
- Employment element has been reduced and insufficient
- Lack of turning provision for existing dwelling

#### Support

- Additional retirement accommodation is needed
- Extended care provides opportunity for anticipatory care
- Convenient for shopping
- Good use of the land
- Convenient for public transport
- Provide employment
- Offering variety of care options

#### Representation

- Existing access and turning arrangements need to be maintained
- No details of the boundary treatment with existing property

### **PLANNING HISTORY**

Reference	Description	Decision	Date
17/1539/MFUL	Erection of a three and four storey building housing an extra care scheme (Class C2) comprising 59 one and two bedroom units with associated communal lounges, restaurant, wellness room, guest suite, house manager and care support accommodation, car parking, communal rechargeable scooter store, access and communal landscaped gardens and structures.	Refused  Appeal dismissed	01.03.18  20.03.2019

10/2016/MFUL	Proposed extension to existing A1 retail store, re-location of petrol filling station, new access, re-configured car park, landscaping and associated works (amended scheme to permission 09/0428/MFUL).	Approved	18.11.2010
09/0428/MFUL	Proposed extension to the existing A1 retail store, new church, new access, reconfigured car park, landscaping and associated works	Approved	24.07.2009

## **POLICIES**

### Adopted East Devon Local Plan 2013-2031 Policies

Strategy 1 (Spatial Strategy for Development in East Devon)  
 Strategy 2 (Scale and Distribution of Residential Development)  
 Strategy 3 (Sustainable Development)  
 Strategy 4 (Balanced Communities)  
 Strategy 5 (Environment)  
 Strategy 6 (Development within Built-up Area Boundaries)  
 Strategy 22 (Development at Exmouth)  
 Strategy 32 (Resisting Loss of Employment, Retail and Community Sites and Buildings)  
 Strategy 34 (District Wide Affordable Housing Provision Targets)  
 Strategy 36 (Accessible and Adaptable Homes and Care/Extra Care Homes)

D1 (Design and Local Distinctiveness)  
 D2 (Landscape Requirements)  
 D3 (Trees and Development Sites)

H2 (Range and Mix of New Housing Development)

EN14 (Control of Pollution)  
 EN22 (Surface Run-Off Implications of New Development)

TC2 (Accessibility of New Development)  
 TC7 (Adequacy of Road Network and Site Access)  
 TC9 (Parking Provision in New Development)

### Exmouth Neighbourhood Plan (Made)

EN1 – Development within the Built-up Area Boundary  
 EE2 - Supporting increased employment opportunities

EE3 - Change of use from employment land to residential

Action EEA1 - Support EDDC in preventing the change of use of allocated employment land

### Government Planning Documents

NPPF (National Planning Policy Framework 2019)

National Planning Practice Guidance

### **BACKGROUND TO THE PROPOSAL**

The application site has been vacant for a number of years. Part of the site (that to which the application submitted under reference 17/1539/MFUL related) is allocated (allocation 040A) in the East Devon Local Plan 2013-2031 (LP) under Strategy 22 (Development at Exmouth) for employment uses – a total of 0.5ha.

In considering the previous appeal (resulting from the refusal of the above application) the Inspector was not convinced that the site had been fully marketed as an employment site as required by local plan policy Strategy 32 (Resisting Loss of Employment, Retail and Community Sites and Buildings), and found that it had not been demonstrated that there was a surplus of employment land in the locality as the policy required. Whilst the Inspector recognised that the proposed Extra Care facility would provide some employment, other potential uses would generate significantly more. Overall the Inspector concluded that whilst the allocated site 040A makes only a modest contribution to employment allocations in Exmouth its loss would undermine LP policy.

Following the appeal decision this application seeks to address the reasons for the dismissal. The application site has now been increased to an area of 1ha and includes the land to the north which did not form part of the original application. As submitted the application proposes that a Class B1 use office building (646 square metres) would be constructed on that part of the site.

During the course of the application, the intended occupier of the office building withdrew from the proposal. As a result of this and the current Coronavirus situation, an alternative proposal has been put forward on the northern part of the site.

It is proposed that this part of the site (extending to an area of 0.194ha) be developed as industrial units Class B1(b) or B1(c) (4 are indicated on the submitted plans) with a floor area of 322 square metres, together with associated parking.

### **Site Location and Description**

The application site comprises a piece of land extending to 1.00 hectare located on the northern side of Salterton Road, one of the main arterial roads into Exmouth. It is located around 2km to the north east of the town centre, and has a large supermarket and associated petrol station to the south west.

Immediately beyond the north eastern boundary of the site is a driveway access leading to a residential property located to the north of the site. To the north east,

beyond the driveway leading to Redgate Cottage, is a small development of assisted living properties, and a piece of land that has been cleared, which was formerly occupied as a Devon County Council resource centre. There are residential properties to the north-west and on the opposite side of Salterton Road to the south east.

The land rises from the road to the north-west, and was previously occupied by a church with associated parking, and a residential property and garden known as Redgate although both of the buildings have been demolished and the site has been generally cleared. The site has been vacant for a number of years.

There are a number of protected mature trees both within and on the boundaries of the site which is otherwise somewhat overgrown.

An existing access is located towards the centre of the road frontage which has been temporarily blocked and the remainder of the frontage has been fenced off.

### **Proposed Development**

Planning permission is sought for the redevelopment of the site to provide extra care/assisted living accommodation with communal facilities and car parking, together with the construction of a new building to the north of the site providing B1(b) or B1(c) accommodation (322 sqm employment floorspace) with associated car parking.

Permission is also sought for alterations to the access to the site from Salterton Road.

The residential development comprises a three and four storey building housing 59 one and two bedroom apartments together with communal lounges, a restaurant, wellness room, guest room, house manager and care support accommodation and a communal rechargeable scooter store.

The residential accommodation is arranged with three storey accommodation fronting Salterton Road and to the northern part of the site where the land rises, with some four storey accommodation within the centre of the site. The ground floor accommodation includes 8 apartments together with communal facilities, and the kitchen and staff accommodation. The other floors are essentially apartments, with a laundry and cleaning room on the first and second floors and a guest suite on the third floor.

Each of the apartments has either a private patio area or a small balcony area associated with it.

The industrial building comprises a single storey structure offering 332 square metres of B1(b) or b1(c) accommodation within the northern part of the site. The submitted plans indicate that 4 units are proposed within the building together with associated parking. The application proposes that the serviced business units would be constructed prior to the occupation of the residential building to ensure that the employment element of the development is delivered, with this being proposed to be secured thorough a legal agreement.

It is proposed to close the existing central access to the site and to widen an existing driveway adjacent to the eastern boundary which currently serve the residential



property located to the north east of the site. Parking for 37 cars is proposed for the residential accommodation including 3 disabled spaces, together with 10 bicycle spaces and associated landscaping. 23 parking spaces, including 2 disabled spaces are provided for the business units.

## **CONSIDERATION AND ASSESSMENT**

The main issues in the determination of this application relate to the policy context and principle of the development, both residential and business uses. Consideration also needs to be given to the nature of the proposed residential use and whether it would fall within a Class C2 Use Class, the design and scale of the buildings and relationship with surrounding development, any impact on residential amenity, highway safety, trees, ecology, flood risk and drainage issues, and the need for affordable housing and any other obligations.

### **Policy Context**

The National Planning Policy Framework (NPPF) states that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The Council formally adopted the East Devon Local Plan 2013-2031 on 28th January 2016 and the policies contained within it are those against which applications are being determined. The Exmouth Neighbourhood Plan has been 'made' and carries full weight alongside the Local Plan.

### **Principle of the Development**

Strategy 1 of the adopted Local Plan sets out the spatial development strategy for the District. Paragraphs 6.6- 6.9 set out the background to the Council's approach to employment land. It explains that the focal point for new growth, new employment land allocations (for B1, B2, and B8 uses) are focused in the West End. In the rest of the district (which includes Exmouth) as para 6.9 explains the Council will "take a broad view of the types of activity (retail, commercial, industrial, service sector, etc) that can be classed as employment in making our land allocations". Although it is clear that the Council sees "future B1 employment development (office developments) and jobs in this class, as being key".

Strategy 22 (Development at Exmouth) allocates part of the site (0.5ha) for employment purposes,

In addition to Strategy 22, Strategy 32 relates to the loss of employment, retail and community sites and buildings and states:

#### ***"Strategy 32 - Resisting Loss of Employment, Retail and Community Sites and Buildings***

*In order to ensure that local communities remain vibrant and viable and are able to meet the needs of residents we will resist the loss of employment, retail and community uses. This will include facilities such as buildings and spaces used by or for job generating uses and community and social gathering purposes, such as pubs, shops and Post Offices.*

*Permission will not be granted for the change of use of current or allocated employment land and premises or social or community facilities, where it would harm social or community gathering and/or business and employment opportunities in the area, unless:*

- 1. Continued use (or new use on a specifically allocated site) would significantly harm the quality of a locality whether through traffic, amenity, environmental or other associated problems; or*
- 2. The new use would safeguard a listed building where current uses are detrimental to it and where it would otherwise not be afforded protection; or*
- 3. Options for retention of the site or premises for its current or similar use have been fully explored without success for at least 12 months (and up to 2 years depending on market conditions) and there is a clear demonstration of surplus supply of land or provision in a locality; or*
- 4. The proposed use would result in the provision or restoration of retail (Class A1) facilities in a settlement otherwise bereft of shops. Such facilities should be commensurate with the needs of the settlement.*

*Employment uses include those falling into Class B of the Use Classes Order or similar uses classified under planning legislation as 'Sui Generis' uses. Redundant petrol filling stations and associated garage facilities will fall within the scope of this policy as do public and community uses and main town centre uses and other uses that directly provide jobs or employment, community meeting space or serve a community or social function."*

Since the previous application was determined, and also since this application was submitted there have been significant changes in working practices following the start of the Covid 19 pandemic, with more companies adopting home working or reduced office time working arrangements. As a result the demand for office spaces is understood to have declined, and there appears to be little prospect of pre-pandemic demand for this type of office accommodation. The withdrawal of the interest of the intended occupier of the proposed office building (Devon and Cornwall Constabulary) has further questioned the viability of the provision of a speculative B1(a) office building on the site.

As a result the revised scheme has been submitted with a view to achieving the delivery of meaningful and viable employment on part of the site through the provision of constructed and serviced units on the site.

In assessing the current application, it is therefore important to recognise the value of the provision of the employment units in addition to any employment generated by the proposed Extra Care home. In this respect it is estimated that the delivery of the units would facilitate the provision of 10-15 jobs. Whilst this is less than the number likely to be generated by a B1 office use on the site, it would also be in addition to the estimated 17-20 full time equivalent jobs created by the residential element of the proposal.

It needs to be recognised that the area proposed for the business units falls considerably short of that allocated within the local plan, although it should also be recognised that the site has been allocated for such uses for many years and has remained vacant, notwithstanding the previous marketing of the site. In the current

climate and particularly in light of the current economic situation amid the global pandemic, the benefits of providing any meaningful employment opportunities is considered to be a key consideration in the determination of the application.

Data from Economic Development also shows a clearly evidenced demand for small workshop and office development across the district. However, securing the delivery of this on smaller allocated sites, and even sites in the ownership of the District Council is, and remains, challenging, with external funding being sought in order for it to be viable to set rents at the level that local businesses can afford. In this respect the delivery of serviced units and the provision of some employment on the site is considered to weigh heavily in favour of the proposal.

Policy EE2 of the Exmouth Neighbourhood Plan supports new development which delivers an increase in workspace within the town and generates increased employment opportunities, and seeks to use previously developed land (Brownfield sites) within the BUAB wherever possible.

Policy EE3 states that applications for a change of use from an employment use to residential, leading to a reduction of employment will only be supported if the existing site is no longer economically viable and the site has been marketed at a realistic price for a minimum of one year.

The above policies are reflective of those in the Local Plan in seeking to prevent the change of use of the allocated employment land.

There is considered to be some conflict with adopted planning policy in terms of the nature and extent of the employment uses proposed and the amount of land which would be developed for a 'traditional' economic use, however the creation of the business units, in conjunction with employment associated with the proposed Extra Care facility is considered to weigh in favour of the principle of the development.

Although it is not considered that the proposal meets the full criteria identified in Strategy 32 it would provide employment and bespoke employment units rather than being a wholly residential use of the land with some incidental jobs as previously proposed. The provision of the employment units and the jobs created by the care home in combination are considered to go a significant way to achieving the policy aims of generating employment from the use of this site. On this basis, and subject to other design, scale and amenity issues being considered to be appropriate, it is considered that the principle of the proposed development can be accepted.

Strategy 36 (Accessible and Adaptable Homes and Care/Extra Care Homes) of the Local Plan specifically identifies the provision of Care/Extra Care Homes and Other Forms of Specialist Older Person's Housing as being acceptable on sites allocated for residential development. The submitted Marketing Report confirms the current proposal as being from the residential sector.

### Assessment of Residential Use

The application states that the residential element of the site is for an extra care development with associated care and communal facilities. This is considered to fall

within a Class C2 use, and in support of this a weight of appeal decisions, legal opinions and other information has been submitted relating to other developments which operate under the same extra care model. All of the evidence submitted indicate that the nature of the development proposed would fall within Class C2.

A Class C2 use is defined in the Use Classes Order as *“Use for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses)”*

In essence the submitted information seeks to differentiate between the additional facilities and care/dependency of the residents of this use and that of general Category II sheltered accommodation. A number of differences are identified which are summarised below.

#### Extra Care Development

- Minimum age 70+ (unless otherwise agreed in writing on a care needs basis)
- All care and communal accommodation focussed in one location on ground floor
- Average entry age 85
- Service charge typically £120-130 per week for 1 bed flat, £165-175 for 2 bed flat.
- Apartments are larger to meet wheelchair rather than general mobility standards
- Management staff 24 hour cover consisting of Manager, team of Deputy Managers
- Other care staff providing set care through service charge and also provide tailored care to residents.
- Compulsory service charge includes some care in the form of domestic assistance in apartment
- Availability of additional on-site Yourlife Extra Care packages to suit individual needs
- Staff on site throughout day and night providing immediate “on hand” support and assistance
- 365 days 7 days a week availability of meals cooked/prepared on site
- Catering staff including trained chef and grounds management staff
- Equivalent 17 full time persons after opening
- Staff levels rise as additional care needed

#### Sheltered Accommodation

- Minimum age 60+
- Average entry age 74
- Service charge typically £40-50 per week for 1 bed flat, £60-70 for 2 bed flats
- More couples
- Staffing limited to Day Manager and occasional groundsmen and maintenance
- Day Manager full time (Monday to Friday 37 hours per week), but some other operators part time (i.e. 22 hours)

- Outside of these hours emergency support provided by “cord pull” system to central support service (summon either relatives or emergency services)

In addition to the above the residents of the extra care development pay a considerably higher service charge which is reflective of the additional staffing and facilities offered. In order to ensure that the premises remain as a Class C2 use the applicants are offering an agreement which requires that all primary residents enter into a health needs package which would include the provision of a minimum of 2 hours a week personal care. The nature of the personal care required will obviously vary between residents according to their individual requirements, but may include assistance with:

- personal hygiene; including washing, shaving, toileting;
- dressing and undressing;
- getting in and out of bed
- planning and preparation of meals;
- feeding and drinking;
- ordering and collection of prescriptions;
- technology, payment of bills, keeping in contact with family, pursuit of hobbies;
- organising GP/hospital/consultancy visits for medical appointments, including accompanying residents to visits and the provision of emotional and psychological support and physical care following any hospital discharge;
- collection and parking of vehicles for those with impaired mobility
- arranging visitor access in order to maintain social interaction;

It is recognised by a number of appeal decisions and as confirmed in the appeal decision relating to the former Council Offices at The Knowle, Sidmouth, that the provision of a personal care package would be reasonable to ensure that the use of the development falls within a Class C2 use. In order to ensure that an appropriate level of care is provided, future residents would have to sign up to a minimum 2 hours per week care package as part of the occupancy agreement.

### Design, Scale and Impact of the Proposed Development

The proposal is essentially in two parts. The residential development fronting Salterton Road, and the business units to the rear. The residential element comprises development over three/four floors, essentially a split level building with Salterton Road frontage being three storey, albeit with the ground floor being higher than the road level due to the rising topography. The block then has four floors in the central part of the site part of which is cut into the land with the northern element of the development again being on three levels.

The building has been articulated with projecting gables, balconies and a variety of roof forms breaking up the bulk of the structure. Because of the width of the building, despite the use of pitched roofs there is a central element of flat roof, although this would not be apparent from ground level.

Proposed materials are predominantly brick and render, with some cladding panels, and decorative brick banding and window detailing. Roofing materials are suggested as a mixture of concrete plain tiles and concrete slates. The proposed balconies would

have simple metal balustrades. Notwithstanding these details a more detailed schedule of materials is proposed to be agreed by condition in the event that planning permission is to be granted.

The building is a roughly handed 'L' shape with the bottom leg fronting Salterton Road and extending back from the road into the site. It would generally be viewed as a three storey building from the entrance to the site. The main entrance to the building would be located within the eastern elevation of the building with the parking area in front. Access to both the care home and employment spaces would be the existing access onto the Salterton Road that serves the residential property located to the north east of the site albeit the access point would be widened.

Whilst it is a large building, there are a number of protected trees on the boundary and within the site, the majority of which are to be retained, and the necessary root protection areas assist to reduce the apparent scale of the development by maintaining an open area, particularly to the eastern side of the site.

The design of the building evolved during pre-application discussions, and it is somewhat larger than other development in the immediate vicinity. However it is next to the large Tesco store, and is located in an area of mixed development styles and the resultant proposal is considered to offer a reasonable design solution within this context.

The business units are housed within a functional single storey building, having a brick plinth, with profiled sheeting walls and roofing. The overall height is such that it will not be prominent from outside of the site, and any glimpses would be seen within the context of the existing trees and boundary planting.

### Residential Amenity

There are relatively few residential properties within the vicinity of the site that would be affected by the proposed development. The properties on the southern side of Salterton Road are over 60m from the frontage of the development. The bungalows to the east are well screened by the protected trees on the eastern boundary and their amenity is not considered to be compromised. The only property which may be affected is that known as The Cottage to the north east of the site due to the shared entrance onto Salterton Road and the proposed siting of the industrial units, where the use of the units will introduce further activity where none exists at the present time. The activity within these units can, however, be controlled by appropriate conditions to ensure that the occupation is restricted to those processes which are appropriate to a residential area and which attract limited vehicular movements to reduce any potential impact.

Whilst there is the potential for some loss of amenity due the additional traffic arising from the proposed development, this is not considered to be likely to be such as to be considered to be unreasonable.

The other potential disturbance is for any future occupiers of proposed accommodation arising from the activities on the Tesco site. The store and petrol station are understood to be open for 24 hours and the petrol station and service area

are adjacent to the western side of the site. Having said this the existing planting to this boundary is well established and is proposed to be retained, and subject to appropriate protection of this and where appropriate some additional planting this is not considered to be an unreasonable relationship.

### Highway Issues and Parking

It is proposed to close the existing central access point to the site and to remodel the entrance in the south eastern corner of the site that currently serves the dwelling to the north known as The Cottage. The access driveway to the Cottage will remain separate to that serving the residential use and the business units to the north of the site, which will have a shared through drive and separate designated parking areas.

No objections are raised from a highway safety aspect and adequate sight splays can be accommodated with little removal of the frontage vegetation. The Highway Authority are also satisfied that the amount of traffic generated by the proposal can be accommodated within the road network.

37 parking spaces are proposed for the care home including three disabled spaces adjacent to the entrance. This is considerably lower than that required for unrestricted residential development where a minimum of 2 spaces for a two bedroom property would be required. The lower level of parking provision is reflective of the nature of the development and the low levels of car ownership within extra care accommodation and is considered to be reasonable to serve the development.

23 spaces are proposed for the industrial units, mainly to the south of the building, with 2 disabled spaces to the front of the building.

### Trees and Landscaping

The majority of the application site is the subject of a blanket Tree Preservation Order which extends to the area where the care home is proposed. Whilst most of the trees on the site are to be retained by the proposed development the submitted layout would involve the removal of some large trees within the centre the site.

In responding to the concerns raised by the Council's Arboricultural Officer the position of the business units has been moved away from the western boundary and to the north out of the root protection area of the trees to the south and to protect tree group T1.

Flat 6 has been altered to a one bedroom unit and the building consequently moved away from the western boundary of the site and alternative surface treatment used to protect the trees on the south western boundary of the site.

There has been considerable discussion regarding the hard and soft landscaping of the site during the course of the application and a number of changes made to the submissions to overcome the concerns raised and achieve an acceptable proposal. These include additional protection measures and amended construction methods to protect retained trees, significant replacement planting, amendments to parking

arrangements, repositioning of landscape features and structures, and alterations to the ramped access to afford better tree protection the front of the site.

Whilst the Councils Landscape Architect still has some more minor reservations it is considered that these can be addressed through a condition requiring a revised landscaping scheme. It is regrettable that some trees will need to be felled, the revised layout and landscaping proposals have addressed the Arboricultural Officers reservations and are now considered to be acceptable, subject to appropriate conditions.

### Flood Risk and Surface Water Drainage

The site lies within an area identified as being of low risk in terms of flooding, and there are no objections from this perspective subject to appropriate surface water drainage arrangements.

This has been the subject of some discussion and a revised Surface Water Management Plan has been prepared which is now considered to be acceptable. Subject to the installation of the measures proposed within this, which can be conditioned, it has overcome previous concerns from DCC in relation to surface water drainage.

### Ecology

Policy EN5 (Wildlife Habitats and Features) of the Local Plan states that wherever possible sites supporting important wildlife habitats or features not otherwise protected by policies will be protected from development proposals which would result in the loss of or damage to their nature conservation value, particularly where these form a link between or buffer to designated wildlife sites. Where potential arises positive opportunities for habitat creation will be encouraged through the development process.

The submitted Ecology report concluded that the loss of grassland and hedgerows should be mitigated and that a Reptile Mitigation Strategy, including translocation, be implemented to ensure the protection of the identified Slowworms on the site. Subject to this and other mitigation works identified in the submitted ecological survey the proposal is considered to be acceptable.

A separate appropriate assessment under the Habitat Regulations has been undertaken and is appended to this report. It considers the impact of the proposals on protected habitats in the area in particular the Exe Estuary and Pebblebed Heaths. It concludes that provided the required financial contribution towards the joint habitat mitigation strategy is secured through a Section 106 agreement then the likely significant effects of the development due to recreational activities on the habitats will be appropriately mitigated.

### Other Matters

There are a number of issues raised by objectors to the development that have not been directly addressed elsewhere in this report and so are responded to below:



Concerns have been raised about additional parking, noise and nuisance arising from the proposal and whilst the development will increase activity on the site it will also bring a long vacant site back into use. There is a suitable level of parking provision within the site and given the nature of the proposed residents' car ownership levels are very low. It is not considered that the levels of noise and activity within the site would unreasonable impact on the amenities of the area.

It is recognised that there is a need for other forms of accommodation in the town including affordable housing, accommodation for young people and specialist accommodation for those with physical or mental difficulties. There are also a high number of developments for the elderly in the area however the application has to be determined on the basis of the proposal and in light of current planning policy. Permission cannot be refused because there is a preference for other types of accommodation on the site particularly as there is a recognised need for extra care facilities.

It is understood that at the present time the existing turning arrangements for the dwelling to the north eastern boundary of the site may be over part of the application site. However the property is outside of the application site and any informal arrangement or right of way/access arrangements are not able to be considered as part of the assessment of the planning application. Whilst the concerns regarding this issue are understood, they are civil matters which lie outside of the planning remit and will need to be addressed separately.

### Planning Obligations

NHS England has requested a contribution towards the cost of care of new residents for 1 year following occupation of each dwelling as there is a lag between housing completions and receiving NHS funding. Based on a decision made by the Secretary of State in Teignbridge the request for funding on non-allocated sites can be justified in principle. However the request must be evidenced and the evidence behind the amount requested from the NHS in this case is not in sufficient detail to ascertain how the money will be spent and if the amount requested is correct given that different patients would require care others would not. Accordingly, for both reasons the NHS England request for £21,489.00 is not justified at the present time and does not met the tests for securing a financial contribution.

Officers have been working with the staff at the RD&E NHS Trust for some time to help them to understand the requirements for securing financial contributions through Section 106 agreements. This work is on-going in the hope that the evidence requirements can be met and contributions can be secured where appropriate towards the important work of the NHS in the future.

A draft Section 106 agreement has been submitted providing assurance that the development will remain a C2 Use. This includes the important restrictions on the use for Extra Care housing, including the age restriction and appropriate care package. With these measures in place and given the layout of the development and the extent of communal facilities it is considered that the care home would be secured as a C2 use. Under the principles established as part of the appeal at the former Council Offices, The Knowle, Sidmouth it is considered that affordable housing cannot be

secured in this case given the proposed use. A C2 use by definition is a residential institution rather than separate dwellings.

The draft Agreement sets out the proposed arrangements for the construction and delivery of the proposed business unit, by ensuring that the building is delivered as a serviced unit, prior to the occupation of 50% of the residential units. It is proposed that the units would initially be offered at no cost to EDDC to either hold as a long term investment, or further marketed if this was not considered viable.

In addition the Agreement makes an appropriate financial contribution to mitigate any habitat impact.

## **CONCLUSION**

Around half of the application site is allocated for employment use under Strategy 22 (Development at Exmouth) of the Local Plan and whilst the application proposes to deliver part of the site for specific employment uses, this amounts to around 25% of the site area. As such the application fails to fully comply with the provisions of both Strategy 22, and would be in conflict with Strategy 32 (Resisting Loss of Employment, Retail and Community Sites and Buildings) of the Local Plan. The proposal does however secure the delivery of employment units on the 25% part of the site committed to such uses and the remainder of the site would be used for a care home which in itself delivers a not insignificant number of jobs. Although marketing of the site for employment purposes has been limited it has been vacant for some time and there is significant benefit in bringing it back into use.

Strategy 36 of the Local Plan recognises need for the provision of additional Care/Extra Care spaces within Exmouth which the proposal would help to deliver.

Overall the application needs to be determined, not only in light of the local and neighbourhood plan, but as a balancing exercise and within the context of the current economic situation. The proposal will deliver some constructed and serviced employment units and some further employment would be generated by the operation of the Extra Care home.

The application is considered to be acceptable in terms of its design, access, ecology and impact on trees and residential amenity and whilst it does not offer the most desirable form of employment generating use it will nevertheless bring some economic benefit and a productive use to a site which has been vacant for many years.

On balance, whilst the proposal would conflict with certain elements of the development plan, the economic benefits and the creation of additional jobs, particularly in this time of significant economic difficulty is considered to outweigh the loss of a relatively small area of allocated employment land, and subject to an appropriate legal agreement to ensure the delivery of the business units, and care provision for the occupiers of the units, and suitable planning conditions to ensure that protection is afforded to amenity, highway safety, trees and ecology, the application is recommended for approval.

## **RECOMMENDATION**

- 1. Adopt the Appropriate Assessment attached to this report**
- 2. APPROVE subject to the following matters to be secured by a Section 106 Legal Agreement**

- care package
- delivery of business units
- habitats mitigation contribution

**3. 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 hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice. Drawing No: SO-2427-03-AC-00 RevA, Location Plan is approved apart from the proposed configuration of the access ramp between the frontage of the building and Salterton Road.  
(Reason - For the avoidance of doubt and to ensure adequate details of the access are submitted in the interests of the amenity of the area and protection of trees in accordance with Policies D1, D2 and D3 of the adopted Local Plan.)
3. A Construction and Environment Management Plan must be submitted to and approved by the Local Planning Authority prior to any works commencing on site, and must be implemented and remain in place throughout the development. The CEMP shall include at least the following matters: Air Quality, Dust, Water Quality, Lighting, Noise and Vibration, Pollution Prevention and Control, and Monitoring Arrangements. Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site. There shall be no high frequency audible reversing alarms used on the site.  
(Reason: A pre-commencement condition is required to ensure that the details are agreed before the start of works to protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution in accordance with Policies D1 - Design and Local Distinctiveness and EN14 - Control of Pollution of the Adopted East Devon Local Plan 2013-2031.)
4. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:
  - (a) the timetable of the works;
  - (b) daily hours of construction;
  - (c) any road closure;
  - (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such

vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;

(e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;

(f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;

(g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;

(h) hours during which no construction traffic will be present at the site;

(i) the means of enclosure of the site during construction works; and

(j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site

(k) details of wheel washing facilities and obligations

(l) The proposed route of all construction traffic exceeding 7.5 tonnes.

(m) Details of the amount and location of construction worker parking.

Reason: A pre-commencement condition is required to ensure that traffic attracted to the site is managed in an appropriate manner and the times of construction are suitably controlled from the outset of the works and to their completion in accordance with Policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan.

5. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 1 – 4 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 4 has been complied with in relation to that contamination.

#### 1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:  
o human health,

- o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- o adjoining land,
- o groundwaters and surface waters,
- o ecological systems,
- o archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

## 2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

## 3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

## 4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

## 5. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period to be agreed, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason (common to all): To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the requirements of Policy EN16 - Contaminated Land of the Adopted East Devon Local Plan 2013-2031.)

6. The development shall be carried out in full accordance with the Surface Water Management Plan forming part of the application.

(Reason: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG and in accordance with Policy EN22- Surface Water Run-Off Implications of New Development) of the East Devon Local Plan 2013-2031).

7. Prior to the commencement of any works on site (including demolition and site clearance or tree works), a Tree Protection Plan (TPP) and an Arboricultural Method Statement (AMS) for the protection of all retained trees, hedges and shrubs, shall be submitted to and approved in writing by the Planning Authority. The development shall be carried out in accordance with the approved details. The TPP and AMS shall adhere to the principles embodied in BS 5837:2012 and shall indicate exactly how and when the trees will be protected during the development process.

Provision shall be made for the supervision of the tree protection by a suitably qualified and experienced arboriculturalist and details shall be included within the AMS.

The AMS shall provide for the keeping of a monitoring log to record site visits and inspections along with: the reasons for such visits; the findings of the inspection and any necessary actions; all variations or departures from the approved details and any resultant remedial action or mitigation measures. On completion of the development, the completed site monitoring log shall be signed off by the supervising arboriculturalist and submitted to the Planning Authority for approval and final discharge of the condition.

(Reason - A pre-commencement condition is required to ensure retention and protection of trees on the site during and after construction. The condition is required in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D3 - Trees and Development Sites of the Adopted East Devon Local Plan 2013-2031.)

8. A suitable mechanical ventilation system should be installed within residential dwellings of the proposed development in order to afford future residents thermal comfort and cooling during warmer months, without the need for opening windows. The scheme shall be submitted and approved by the Local Planning Authority prior to commencement of construction.

(Reason: To protect the amenities of future residents from excessive noise and in accordance with Policy EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031)

9. Before development above foundation level is commenced, a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external walls and roofs of the proposed development shall be 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 materials are sympathetic to the character and appearance of the area in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)

10. Notwithstanding the submitted landscaping details a revised landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The revised scheme shall include:

- The reconfiguration of the proposed access ramp from Salterton Road to enable an improved landscape frontage arrangement and convenient access to the building for those with mobility difficulties.
- Further details of the proposed acoustic barrier including its exact siting and how it is to be constructed in order to minimise its impact on adjacent trees.
- A revised scheme for tree planting within the hard paved car parking area to the care home to ensure that planting is appropriate to the location and available soil volume.
- Revisions to ensure that there is adequate space for ease of access to the proposed cycle store to serve the care home.
- Ensure that all levels match those on the submitted topographical survey.

The landscaping of the site shall be undertaken in accordance with the approved details and implemented in accordance with the approved schedule. No development above foundation level shall take place until a schedule of landscape maintenance for a minimum period of 10 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

(Reason - To ensure that the details are considered at an early stage in the long term interests of preserving and enhancing the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D2 - Landscape Requirements of the Adopted East Devon Local Plan 2013-2031.)

11. No development shall take place above foundation level until details of arrangements for the storage of refuse have been submitted to and approved in writing by the Local Planning Authority. The approved refuse storage facilities shall be made available before any of the approved flats are occupied and retained thereafter.

(Reason - To ensure that early consideration is given to the provision of adequate refuse provision for the residents is in the interest of health and hygiene in accordance with Policies D1- Design and Local Distinctiveness and EN14 - Control of Pollution of the Adopted East Devon Local Plan 2013-2031.)

12. No development shall take place above foundation level until details of secure cycle/scooter storage facilities have been submitted to and approved in writing by the County Planning Authority. The development shall be implemented in accordance with the approved details.

(Reason: To promote sustainable travel to in accordance with Policy TC9 - Parking Provision in New Development of the Adopted East Devon Local Plan 2013-2031 and the guidance contained in the National Planning Policy Framework.)

13. Prior to the occupation of any of the buildings a lighting scheme shall be submitted to and approved in writing for the site which complies with the requirements of the Institute of Light Engineers guidance on the avoidance of light pollution. The lamps used shall not be capable of reflecting light laterally, upwards or off the ground surface in such a way that light pollution is caused. No area lighting shall be operated outside the agreed working hours of the site, although low height, low level, local security lighting may be acceptable. The approved scheme shall be implemented prior to the occupation of the buildings on the site.

Reason: To protect the amenities of local residents from light pollution in accordance with Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031

14. The development hereby approved shall be carried out in accordance with the recommendations and mitigation measures contained within the ecological report prepared by Devon Wildlife Consultants dated June 2017.

(Reason – In the interests of ecology and biodiversity in accordance with Policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan 2013-2031.

15. The development hereby approved shall be carried out in accordance with the recommendations and mitigation measures contained within the Odour Assessment prepared by Air Quality Assessments Ltd, and dated 11 December 2020.

(Reason – In the interests of pollution control and in accordance with Policy EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031.



16. The development hereby approved shall be carried out in accordance with the recommendations and mitigation measures contained within the Environmental Noise Assessment prepared by Stroma Built Environment Ltd, Revised 2 December 2020.  
(Reason – In the interests of pollution control and in accordance with Policy EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031.
17. The development hereby approved shall be carried out in accordance with the recommendations and mitigation measures contained within the Tree Survey and Impact Assessment (Rev.B) prepared by Keen Consultants dated 23 November 2020.  
(Reason – In the interests of ecology and biodiversity in accordance with Policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan 2013-2031.
18. The B1 premises shall not be open for business except between the hours of 8am - 6pm Monday to Friday, or 8am-1pm on Saturdays, and not at all on Sundays or Bank Holidays. No machinery shall be operated, processes carried out and no deliveries accepted or despatched outside of these times.  
(Reason: To protect the amenities of local residents from excessive noise in accordance with Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031.
19. No work activities or storage shall be carried on outside the B1 premises. All activities which involve noise with the potential to be audible off-site, including hammering, banging, sawing and the use of mechanical plant, shall be undertaken within the building with all doors and windows closed.  
Reason: To protect the amenity of local residents from noise and/or dust in accordance with Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031

#### NOTE FOR APPLICANT

##### Informative:

In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 in determining this application, East Devon District Council has worked positively with the applicant to ensure that all relevant listed building concerns have been appropriately resolved.

##### Plans relating to this application:

SO-2427-03-AC-00 RevA	Location Plan	03.01.20
SO-2427-03-AC-02 F	Proposed Site Plan	04.02.21
17.169/001 Rev D: Proposed	Other Plans	11.12.19

Access  
Arrangement

17169/010 Rev A: Refuse Vehicle Swept Path Analysis	Other Plans	11.12.19
SO-2427-03-AC- 84	Proposed Elevation	10.08.20
SO-2427-03-AC- 12-REV A : second	Proposed Floor Plans	10.12.20
SO-2427-03-AC- 10-REV B : ground	Proposed Floor Plans	10.12.20
SO-2427-03-AC- 11-REV B : first	Proposed Floor Plans	10.12.20
SO-2427-03-AC- 13-REV A : third	Proposed Floor Plans	10.12.20
SO-2427-03-AC- 60-REV B	Sections	10.12.20
SO-2427-03-AC- 80-REV B : north/east	Proposed Elevation	10.12.20
SO-2427-03-AC- 81 rev C : south/west	Proposed Elevation	10.12.20
SO-2427-03-AC- 82-REV F : street contextual	Proposed Elevation	10.12.20
1344-KC-XX- YTREE- TPP01RevB	Tree Protection Plan	10.12.20

List of Background Papers

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

<b>Appropriate Assessment</b>  <b>The Conservation of Habitats and Species Regulations 2017, Section (63)</b>		
Application Reference	19/2710/MFUL	
Brief description of proposal	<b>Erection of extra care/assisted living accommodation (Class C2) with communal facilities and car parking; erection of Class B1 office accommodation and car parking; development to be accessed from Salterton Road</b>	
Location	<b>Site of Redgate &amp; Land at Tesco, Salterton Road, Exmouth</b>	
Site is:	<p>Within 10km of Dawlish Warren SAC and the Exe Estuary SPA site</p> <p>Within 10km of the East Devon Heaths SPA (UK9010121)</p> <p>Within 10km of the East Devon Pebblebed Heaths SAC (UK0012602)</p> <p>Within 10km of the Exe Estuary Ramsar (UK 542)</p> <p>(See Appendix 1 for list of interest features of the SPA/SAC)</p>	
<b>Step 1</b> <b>Screening for Likely Significant Effect on Site of Redgate &amp; Land at Tesco, Salterton Road, Exmouth</b>		
<b>Risk Assessment</b>		
<p>Could the Qualifying Features of the European site be affected by the proposal?</p> <p>Consider both construction and operational stages.</p>	<p>Yes - additional housing within 10km of the SPA/SAC will increase recreation impacts on the interest features.</p>	
<b>Conclusion of Screening</b>		
Is the proposal likely to have a significant effect, either 'alone' or 'in combination' on a European site?	<p>East Devon District Council concludes that there <b>would be</b> Likely Significant Effects 'alone' and/or 'in-combination' on features associated with the proposal at site of Redgate and land at Tesco, Salterton Road, Exmouth in the absence of mitigation</p> <p>See evidence documents on impact of development on SPA/SAC at: East Devon District Council - <a href="http://eastdevon.gov.uk/media/369997/exe-overarching-report-9th-june-2014.pdf">http://eastdevon.gov.uk/media/369997/exe-overarching-report-9th-june-2014.pdf</a></p> <p>An <b>Appropriate Assessment</b> of the plan or proposal <b>is necessary</b>.</p>	

Local Authority Officer		Date:
<b>Step 2</b> <b>Appropriate Assessment</b> NB: In undertaking the appropriate assessment, the LPA must ascertain whether the project would adversely affect the integrity of the European site. The Precautionary Principle applies, so to be certain the authority should be convinced that no reasonable scientific doubt remains as to the absence of such effects.		
<b>In-combination Effects</b>		
Plans or projects with potential cumulative in-combination impacts. How impacts of current proposal combine with other plans or projects individually or severally.	Additional housing or tourist accommodation within 10km of the SPA/SAC add to the existing issues of damage and disturbance arising from recreational use.  In –combination plans/projects include around 29,000 new dwellings allocated around the estuary in Teignbridge, Exeter and East Devon Local Plans. This many houses equates to around 65,000 additional people contributing to recreational impacts.	
Mitigation of in-combination effects.	The Joint Approach sets out a mechanism by which developers can make a standard contribution to mitigation measures delivered by the South East Devon Habitat Regulations Partnership.  Residential development is also liable for CIL and a proportion of CIL income is spent on Habitats Regulations Infrastructure. A Suitable Alternative Natural Green Space (SANGS) has been delivered at Dawlish and a second is planned at South West Exeter to attract recreational use away from the Exe Estuary and Dawlish Warren.	
<b>Assessment of Impacts with Mitigation Measures</b>		
Mitigation measures included in the proposal.	Joint approach standard mitigation contribution required <ul style="list-style-type: none"> <li>• Draft Heads of terms submitted indicating an out dated amount of £201.61 per dwelling. Required figure is £354 per dwelling</li> </ul>	
Are the proposed mitigation measures sufficient to overcome the likely significant effects?	Not at the present time, however if the Joint Approach contribution offered is revised to reflect the current situation, payment of the contribution is considered to be sufficient.	
<b>Conclusion</b>		
List of mitigation measures and safeguards	Total Joint Approach contribution of £20,886 is required and will be secured as part of the S.106 Agreement	
The Integrity Test	Adverse impacts on features necessary to maintain the integrity of Site of Redgates and land at Tesco, Salterton Road, Exmouth <b>can</b> be ruled out on the basis of the appropriate contribution.	

Conclusion of Appropriate Assessment	East Devon District Council concludes that there would be <b>NO</b> adverse effect on integrity of Dawlish Warren SAC, Exe Estuary SPA or Pebblebed Heaths SPA/SAC or Exe Estuary Ramsar sites <b>provided</b> the mitigation measures are secured as above.	
Local Authority Officer		Date:
21 day consultation to be sent to Natural England Hub on completion of this form.		

## **Appendix 1. List of interest features:**

### **Exe Estuary SPA**

#### **Annex 1 Species that are a primary reason for selection of this site (under the Birds Directive):**

Aggregation of non-breeding birds: Avocet *Recurvirostra avosetta*

Aggregation of non-breeding birds: Grey Plover *Pluvialis squatarola*

#### **Migratory species that are a primary reason for selection of this site**

Aggregation of non-breeding birds: Dunlin *Calidris alpina alpina*

Aggregation of non-breeding birds: Black-tailed Godwit *Limosa limosa islandica*

Aggregation of non-breeding birds: Brent Goose (dark-bellied) *Branta bernicla bernicla*

Wintering populations of Slavonian Grebe *Podiceps auritus*

Wintering populations of Oystercatcher *Haematopus ostralegus*

#### **Waterfowl Assemblage**

>20,000 waterfowl over winter

#### **Habitats which are not notified for their specific habitat interest (under the relevant designation), but because they support notified species.**

Sheltered muddy shores (including estuarine muds; intertidal boulder and cobble scars; and seagrass beds)

Saltmarsh NVC communities: SM6 *Spartina anglica* saltmarsh

### **SPA Conservation Objectives**

With regard to the SPA and the individual species and/or assemblage of species for which the site has been classified (the 'Qualifying Features' listed below), and subject to natural change;

**Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;**

- ☐ ☐ The extent and distribution of the habitats of the qualifying features
- ☐ ☐ The structure and function of the habitats of the qualifying features
- ☐ ☐ The supporting processes on which the habitats of the qualifying features rely
- ☐ ☐ The population of each of the qualifying features, and,
- ☐ ☐ The distribution of the qualifying features within the site.

### **Dawlish Warren SAC**

#### **Annex I habitats that are a primary reason for selection of this site (under the Habitats Directive):**

Annex I habitat: Shifting dunes along the shoreline with *Ammophila arenaria* ('white dunes'). (Strandline, embryo and mobile dunes.)

SD1 *Rumex crispus*-*Glaucium flavum* shingle community

SD2 *Cakile maritima*-*Honkenya peploides* strandline community

SD6 *Ammophila arenaria* mobile dune community

SD7 *Ammophila arenaria-Festuca rubra* semi-fixed dune community  
 Annex I habitat: Fixed dunes with herbaceous vegetation ('grey dunes').  
 SD8 *Festuca rubra-Galium verum* fixed dune grassland  
 SD12 *Carex arenaria-Festuca ovina-Agrostis capillaris* dune grassland  
 SD19 *Phleum arenarium-Arenaria serpyllifolia* dune annual community  
 Annex I habitat: Humid dune slacks.  
 SD15 *Salix repens-Calliargon cuspidatum* dune-slack community  
 SD16 *Salix repens-Holcus lanatus* dune slack community  
 SD17 *Potentilla anserina-Carex nigra* dune-slack community

**Habitats Directive Annex II species that are a primary reason for selection of this site:**  
 Petalwort (*Petalophyllum ralfsii*)

### **SAC Conservation Objectives**

With regard to the SAC and the natural habitats and/or species for which the site has been designated (the 'Qualifying Features' listed below), and subject to natural change;  
 Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;

- The extent and distribution of qualifying natural habitats and habitats of qualifying species
- The structure and function (including typical species) of qualifying natural habitats
- The structure and function of the habitats of qualifying species
- The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely
- The populations of qualifying species, and,
- The distribution of qualifying species within the site.

### **List of interest features:**

### **East Devon Heaths SPA:**

**A224 *Caprimulgus europaeus*; European nightjar (Breeding) 83 pairs (2.4% of GB population 1992)**

**A302 *Sylvia undata*; Dartford warbler (Breeding) 128 pairs (6.8% of GB Population in 1994)**

Objectives:

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;

- The extent and distribution of the habitats of the qualifying features
- The structure and function of the habitats of the qualifying features
- The supporting processes on which the habitats of the qualifying features rely
- The population of each of the qualifying features, and,
- The distribution of the qualifying features within the site.

### **East Devon Pebblebed Heaths SAC:**

**This is the largest block of lowland heathland in Devon. The site includes extensive areas of dry heath and wet heath associated with various other mire communities. The wet element occupies the lower-lying areas and includes good examples of cross-leaved**

heath – bog-moss (*Erica tetralix* – *Sphagnum compactum*) wet heath. The dry heaths are characterised by the presence of heather *Calluna vulgaris*, bell heather *Erica cinerea*, western gorse *Ulex gallii*, bristle bent *Agrostis curtisii*, purple moor-grass *Molinia caerulea*, cross-leaved heath *E. tetralix* and tormentil *Potentilla erecta*. The presence of plants such as cross-leaved heath illustrates the more oceanic nature of these heathlands, as this species is typical of wet heath in the more continental parts of the UK. Populations of southern damselfly *Coenagrion mercuriale* occur in wet flushes within the site.

**Qualifying habitats:** The site is designated under article 4(4) of the Directive (92/43/EEC) as it hosts the following habitats listed in Annex I:

**H4010. Northern Atlantic wet heaths with *Erica tetralix*; Wet heathland with cross-leaved heath**

**H4030. European dry heaths**

**Qualifying species:** The site is designated under article 4(4) of the Directive (92/43/EEC) as it hosts the following species listed in Annex II:

**S1044. *Coenagrion mercuriale*; Southern damselfly**

#### **Objectives:**

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;

- The extent and distribution of qualifying natural habitats and habitats of qualifying species
- The structure and function (including typical species) of qualifying natural habitats
- The structure and function of the habitats of qualifying species
- The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely
- The populations of qualifying species, and,
- The distribution of qualifying species within the site.

#### **Exe Estuary SPA**

##### **Qualifying Features:**

**A007 *Podiceps auritus*; Slavonian grebe (Non-breeding)**

**A046a *Branta bernicla bernicla*; Dark-bellied brent goose (Non-breeding)**

**A130 *Haematopus ostralegus*; Eurasian oystercatcher (Non-breeding)**

**A132 *Recurvirostra avosetta*; Pied avocet (Non-breeding)**

**A141 *Pluvialis squatarola*; Grey plover (Non-breeding)**

**A149 *Calidris alpina alpina*; Dunlin (Non-breeding)**

**A156 *Limosa limosa islandica*; Black-tailed godwit (Non-breeding)**

**Waterbird assemblage**

#### **Objectives:**

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;

- The extent and distribution of the habitats of the qualifying features
- The structure and function of the habitats of the qualifying features
- The supporting processes on which the habitats of the qualifying features rely
- The population of each of the qualifying features, and,
- The distribution of the qualifying features within the site.

## **Exe Estuary Ramsar**

### **Principal Features (updated 1999)**

The estuary includes shallow offshore waters, extensive mud and sand flats, and limited areas of saltmarsh. The site boundary also embraces part of Exeter Canal; Exminster Marshes – a complex of marshes and damp pasture towards the head of the estuary; and Dawlish Warren - an extensive recurved sand-dune system which has developed across the mouth of the estuary.

Average peak counts of wintering water birds regularly exceed 20,000 individuals (23,268\*), including internationally important numbers\* of *Branta bernicla bernicla* (2,343). Species wintering in nationally important numbers\* include *Podiceps auritus*, *Haematopus ostralegus*, *Recurvirostra avosetta* (311), *Pluvialis squatarola*, *Calidris alpina* and *Limosa limosa* (594).

Because of its relatively mild climate and sheltered location, the site assumes even greater importance as a refuge during spells of severe weather. Nationally important numbers of *Charadrius hiaticula* and *Tringa nebularia* occur on passage. Parts of the site are managed as nature reserves by the Royal Society for the Protection of Birds and by the local authority. (1a,3a,3b,3c)