

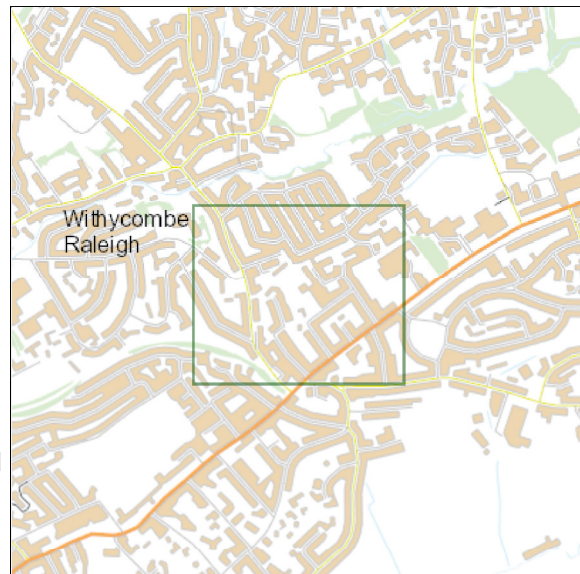
**Ward** Exmouth Withycombe Raleigh

**Reference** 18/2203/MFUL

**Applicant** Barchester Health Care

**Location** Moreton 13 Drakes Avenue Exmouth EX8 4AA

**Proposal** Redevelopment of site to provide 75 bed care home (use class C2), parking, landscaping and refuse store



**RECOMMENDATION:**

1. That the Habitat Regulations Appropriate Assessment within this Committee report be adopted;
2. That the application be **APPROVED** subject to conditions.



		<b>Committee Date: 2<sup>nd</sup> April 2019</b>
<b>Exmouth Withycombe Raleigh (EXMOUTH)</b>	<b>18/2203/MFUL</b>	<b>Target Date: 16.01.2019</b>
<b>Applicant:</b>	<b>Barchester Health Care</b>	
<b>Location:</b>	<b>Moreton 13 Drakes Avenue</b>	
<b>Proposal:</b>	<b>Redevelopment of site to provide 75 bed care home (use class C2), parking, landscaping and refuse store</b>	

**RECOMMENDATION:**

1. That the Habitat Regulations Appropriate Assessment attached to this Committee report be adopted;
2. That the application be **APPROVED** subject to conditions.

**EXECUTIVE SUMMARY**

This application is before Members as the Officer recommendation differs from the view of the Town Council.

The application site was formerly occupied by a care home and dwelling, but has been cleared and is presently vacant following a previous consent for redevelopment to provide 61 care units. It is located on the northern side of Drakes Avenue within the Built-up Area Boundary of Exmouth.

The proposed building occupies a similar footprint to the previous care home that occupied the site (although smaller than the consent for the 61 units) , with parking to the front and eastern side of the building. The accommodation is arranged on three floors, each having 25 bedrooms together with communal lounge and dining areas. The kitchen and other servicing is located in the basement.

Externally the existing boundary tree planting and hedging is retained, with additional landscaping proposed.

The building is relatively large and the land has quite a steep fall to the north and west giving the potential for overlooking and loss of privacy for the occupiers of the neighbouring properties, however the positioning and layout of the building and distances from these properties is considered to reasonable such that there will be no material impact on residential amenity. Similarly the distances to the properties to the south and east is considered to be reasonable.

**75 bed spaces are proposed which is greater than the previously approved facility on the site (61 units) however the nature of the accommodation is somewhat different, being a care home with communal facilities rather than individual units with private kitchen/lounge facilities. Given this the residents tend to be less noisy and no resident parking is provided with only staff and visitor parking, at a level which is considered to be appropriate to the use. Adequate access and turning for emergency vehicles and deliveries is provided.**

**The building is considered to be of a suitable design, policy compliant and subject to conditions to ensure appropriate parking, landscaping, drainage and other protection measures are put into place the proposed development is considered to be acceptable and the application is consequently recommended for approval.**

## **CONSULTATIONS**

### **Local Consultations**

#### Parish/Town Council

Meeting 29.10.18:

Objection on the grounds of overdevelopment of the site and concern regarding the lack of parking provision for visitors and staff. Concern that attending emergency vehicles would not be able to turn within the site.

Further comments 07.01.19:

Objection sustained as previous concerns regarding the lack of parking provision and the ability of emergency vehicles to turn within the site had not been addressed.

Further comments 04.02.19:

Objection sustained, the amended plans did not address previous concerns. Members felt they could not comment further until the applicant had responded to the comments raised by the statutory Consultees.

### **Technical Consultations**

#### Housing Strategy Officer Melissa Wall

This application is for a care home and the use is therefore C2 (residential institution). Due to the C2 use class there will not be an affordable housing obligation on this site.

#### EDDC Trees

There are numerous trees growing around the site boundaries; the trees are comprised mainly of early mature to mature oaks, with some maturing ash, beech, lime and a cherry. The trees growing on the northern boundary are the subject of tree preservation order 16/0070/TPO and all the boundary trees make a positive contribution to the amenity of the area.

This application provides more space between the proposed building and the surrounding mature trees growing on the property boundaries. This application is thus more arboriculturally sustainable with regard to proximity of the main building to retained trees.

As per the previous application there are allocated car parking spaces within the crown spread of the boundary trees. Spaces 17 to 22 will in the fullness of time be affected by the Oak T28 and spaces 24 to 30 will be affected by the beech T27. Parking spaces under the crowns of trees do no work, due to the following falling onto the parked cars below: twigs, dead branches, leaves, acorns (or beech nuts), bird poo, aphid honeydew (which creates a sticky residue on the parked cars, especially under oak). This all leads to pressure to have the trees lopped / topped or removed. These spaces need to be moved from under the crowns of the boundary trees. I note the previous application was approved with parking under the crowns of site trees against my recommendations. This is not sustainable in tree terms and the application could be refused on this basis (We have successfully defended this point at appeal).

The oak T28 mentioned above is recorded as a BS5837 category B1 tree on the outline tree protection plane (Devon Tree Services 18.46.1.TPP dated 12.10.18) yet within the arboricultural impact assessment (Devon Tree Services DTS18.46.1.AIA dated 12 October 2018) the tree is recorded as a C1 category tree with crown die back and requiring a 2 metre crown reduction. As of my site visit dated 14/12/2018 the crown of the tree showed no notable die back (Figure 1) and from visual inspection there being no requirement for the crown of the tree to be reduced.

The proposed finished levels are not clear on submitted plans in terms of retained trees and their root protection areas. Could we please have spot levels within the root protection area of retained trees?

Could we please have location details of any new (or where renewal of existing) underground service runs will be required?

With respect of the possible relocation of the bin store. This will work considerably better under the crown of the beech tree compared to the proposed car parking spaces.

## Conclusions

Whilst the proposed location of the building is improvement with regards to trees, the issue relating to parking spaces remains. Without the relocation of the spaces (or the use of car ports to cover the cars) the application should be refused as it is contrary to our planning policies D1 and D3.

Further comments: Comments following review of updated site layout, arboricultural report and surface water drainage plan.

Site layout.

The re-location of the bin store is considered acceptable. We will need the tree protection plan updated to show the amended location and a method statement for its construction.

If the parking spaces are not allocated on a single person use basis, and for transient visitor parking only, this existing relationship is likely to be sustainable and the comments provided by the agent accepted.

#### Arboricultural report

Amendments noted regarding the oak T28 noted. My earlier original comments regarding this tree (classification and pruning) have been addressed.

The tree protection plan and arboricultural report will require updating as outlined above relating to the bin store.

#### Surface Water Drainage Plan

(I will caveat my comments in that this document is difficult to read in CIVICA and I cannot differentiate all of the symbology on the plan)

This document seems to show underground drainage infrastructure within the root protection area of T28. This will require relocating outside of the trees root protection area.

The 100 year flood area is within the root protection area of the oak tree (T6). I am presuming this area will require some excavation or building up of levels. This will need to be outside the root protection area of the adjacent trees (T6, T7 and T8)

This document shows a number of utilities within the root protection area of retained trees (T23, T24, T25, T26, T27, T28, T29, T30). Are these existing services, or new installations?

#### Further comments:

The revised tree protection measures only covers arboricultural impacts of the proposed development any planning approval needs to be subject to a condition covering the submission of a comprehensive arboricultural method statement, tree protection plan and make provision for ongoing arboricultural site monitoring.

#### Natural England

05.11.18: Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

#### SUMMARY OF NATURAL ENGLAND'S ADVICE

EUROPEAN DESIGNATED SITES - FURTHER INFORMATION REQUIRED  
Habitats Regulations Assessment - Recreational Impacts on European Sites

This development falls within the 'zone of influence' for the Exe Estuary SPA and Ramsar Site<sup>1</sup>, the East Devon Pebblebed Heaths SAC and East Devon Heaths 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.

In line with the SEDEMS and the Joint Approach of Exeter City Council, Teignbridge District Council and East Devon District Council, we advise that mitigation will be required to prevent such harmful effects from occurring as a result of this development. Permission should not be granted until such time as the implementation of these measures has been secured.

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.

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, Natural England must be consulted on any appropriate assessment your Authority may decide to make.

#### Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our 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 [data.gov.uk](https://data.gov.uk) website.

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

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 281 (6) of the Wildlife and

Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

If you have any queries relating to the advice in this letter please contact me on 0208 026 7400.

Should the applicant wish to discuss the further information required and scope for mitigation with Natural England, we would be happy to provide advice through our Discretionary Advice Service.

1 Listed or proposed Wetlands of International Importance under the Ramsar Convention (Ramsar) sites are protected as a matter of Government policy. Paragraph 118 of the National Planning Policy Framework applies the same protection measures as those in place for European sites.

#### ANNEX A: Additional Advice

Natural England offers the following additional advice:

##### Landscape

Paragraph 170 of the National Planning Policy Framework (NPPF) highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland or dry stone walls) could be incorporated into the development in order to respect and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape & Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the Landscape Institute Guidelines for Landscape and Visual Impact Assessment for further guidance.

##### Soils

Guidance on soil protection is available in the Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites, and we recommend its use in the design and construction of development, including any planning conditions. Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

##### Protected Species

Natural England has produced standing advice<sup>2</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. List of priority habitats and species can be found [here](#)<sup>3</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.

#### 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).

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](#).

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

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

Further comments 19.12.18:

Thank you for your email consulting Natural England on the Appropriate Assessment for the above development in accordance with Paragraph 63 (3) of the Conservation of Habitats and Species Regulations 2017. Please be advised that, on the basis of the appropriate financial contributions being secured to the South-East Devon European Site Mitigation Strategy (SEDESMS), Natural England concurs with your authority's conclusion that the proposed development will not have an adverse effect on the integrity of Dawlish Warren SAC, the Exe Estuary SPA and Exe Estuary RAMSAR site.

Further comments 16.01.19: Thank you for your consultation.

Natural England has previously commented on this proposal and made comments to the authority in our letter dated 18 December 2018.

The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal.

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.

Further comments 13.02.19:

I can confirm that Natural England have no additional comments to make on this application. As noted in our response to the Appropriate Assessment (attached), on

the basis of the appropriate financial contributions being secured to the South-East Devon European Site Mitigation Strategy, we concur with your authority's conclusion that the proposed development will not have an adverse effect on the integrity of Dawlish Warren SAC, the Exe Estuary SPA and Exe Estuary Ramsar Site.

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#### Environmental Health

I have considered this application and recommend that the following conditions are attached to any permission granted:

Prior to the commencement of the development the applicant must provide an Environmental Management Plan to the satisfaction of the Local Planning Authority detailing the way in which environmental impacts will be addressed and incorporated into the design, layout and management of the site. The Plan shall consider the impacts of noise (including low frequency noise), traffic and light on the local environment, and the way in which these impacts will be mitigated. The Plan shall also include details of the foul and surface water drainage systems, and arrangements for the prevention of pollution of any nearby watercourse.

Reason: To protect the amenity of local residents and to ensure compliance with Local Plan policy EN15

During construction:

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.

During occupation:

Any plant (including ventilation, refrigeration and air conditioning units) or ducting system to be used in pursuance of this permission shall be so installed prior to the first use of the premises and be so retained and operated that the noise generated at the boundary of the nearest neighbouring property shall not exceed Noise Rating Curve 25, as defined in BS8233:2014 Sound Insulation and Noise Reduction for Buildings Code of Practice and the Chartered Institute of Building Service Engineers Environmental Design Guide. Details of the scheme shall be submitted to and approved by the Local Planning Authority prior to the first use of the premises.

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

### EDDC Landscape Architect - Chris Hariades

EDDC Landscape and green infrastructure response to planning application  
Application no. 18/2203/MFUL

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.

The report has been amended following recent submission of drainage information by the applicant.

### 3.1 Review of submitted landscape drawings & other supporting information

#### Sustainability appraisal and energy efficiency statement (SAEES)

There is no reference to provision of renewable energy systems within the SAEES. There appears to be good potential for provision of PV and solar thermal panels on the flat roof sections of the main building and this should be explored in accordance with EDDC Local Plan strategy 3b - Sustainable development.

#### Preliminary Ecological Appraisal

The submitted Preliminary ecological appraisal makes recommendations for habitat and biodiversity enhancement. This includes creation of badger foraging habitat, use of native species plants, creation of log piles from felled trees and provision of bird and bat boxes.

The report also recommends use of green/ brown roofs where design considerations allow and ensuring lighting design takes account of guidance to reduce impacts on foraging and commuting bats.

These recommendations should be incorporated into the scheme proposals.

Additionally 40% of grass seeded areas should be sown with a suitable wildflower mix and managed as meadow areas for benefit of invertebrates and to provide visual interest.

The site layout and landscape proposals should be amended to reflect these recommendations.

#### Tree survey, impact assessment and protection

The location of the proposed perimeter fence is now shown on the revised tree protection drawing. A requirement for a method statement covering installation of the proposed fence and excavation of post footings to be included as a condition to any approval as per Arboricultural Impact Assessment.

#### Layout and landscape proposals

The site layout shown on the Proposed Layout Plan, drawing no. AL9(9)901 Rev B, generally appears acceptable.

There is opportunity to provide a permanent water feature towards the northwest corner of the site near where the drainage engineer's drawing indicates a flood area for 1 year plus 40%.

Covered, secure cycle storage should be provided at a suitable location, in line with section 3 of the accompanying SAEES and the stated aim within the DAS of encouraging cycling for site staff and visitors as an alternative to car use. The DAS states that 6 cycle stands will be provided to accommodate 12 bikes. The proposed site plan currently only provides for 4 cycle stands (8 bikes).

The proposed refuse store as shown on dwg. no. AL(9)902 is flat roofed. A green roof should be provided to the structure for biodiversity benefit.

#### Levels and drainage

Proposed swales are shown with a gradient of 1:1. This is too steep and should be eased to maximum 1:2.5.

The drainage proposals should consider the creation of a permanent pond or wetland feature with flood storage capacity towards the northwest corner of the site which would provide additional interest and bio-diversity value.

### RECOMMENDATIONS

#### 4.1 Acceptability of proposals

On the basis of the details submitted the submitted scheme is broadly acceptable in terms of landscape design and green infrastructure provision although further

consideration should be given to points raised in section 3.1 above being adequately addressed the scheme could be considered for approval.

In the event that approval is recommended, the following conditions should be imposed:

#### 4.2. Landscape conditions

1) No development work shall commence on site until the following information has been submitted and approved:

a) A full set of hard landscape details covering walls, retaining structures, fencing, pavings and edgings, site furniture, other landscape structures and signage.

b) Full external drainage details including gulleys and drainage gratings and inlets to swales and other open flood storage areas.

c) Details of locations, heights and specifications of proposed external lighting.

d) A full set of soft landscape details including planting plans showing locations and number of new tree, shrub and herbaceous planting, type and extent of new grass areas, existing vegetation to be retained and removed and means of protection.

e) Plant schedule indicating form, size and density of proposed planting

f) Specification for soil quality, cultivation, planting/ sowing, mulching and means of plant support and protection during establishment period.

g) An arboricultural method statement prepared in accordance with section 7 of the Arboricultural Impact Assessment.

2) In addition, the following standard EDDC landscape conditions should apply:

L01N, Landscaping - full permissions

L02N Landscaping - groundworks

L06N Landscaping - fences and boundaries

L11N Landscaping - landscape management which should include the following details:

Extent, ownership and responsibilities for management and maintenance.

Inspection and management arrangements for existing and proposed trees and hedgerows.

Management and maintenance of grass areas.

Management and enhancement of biodiversity value.

Management and maintenance of any boundary structures, drainage swales and other landscape features within the grounds.

L15N Landscape condition for full planning permissions (omitting non relevant parts/sections)

### South West Water

I refer to the above application and would advise that South West Water has no objection subject to full details of the means of surface water drainage being submitted for approval.

Further comments:

I refer to the above and would advise that South West water has no objection to the proposed surface water management plan and that the proposed discharge of surface water at 3.3l/s to the public sewer is acceptable as it has been proven that ground infiltration is not possible.

### DCC Flood Risk SuDS Consultation

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 applicant should clarify the attenuation storage required to limit the greenfield runoff rates to 3.3l/s as no such information is contained within the submitted Surface Water Management Plan. The application must note that, in accordance with Chapter 24.2 CIRIA's SuDS Manual (C753), the runoff areas used in greenfield runoff rate calculations must be consistent.

In accordance with Sewers for Adoption Edition 7, August 2012, the system should be designed not to flood any part of the site in a 1:30 year return period design storm. The submitted MicroDrainage model outputs indicated flooding from pipes 1.000, 2.000 and 5.000 for the 1:5 year rainfall event, and flooding from pipes 2.000, 3.000 and 5.000 for the 1:30 year rainfall event.

The applicant should also provide confirmation from South West Water that discharging into their system is acceptable. The agreement in principle for South West Water to adopt the proposed rain garden and swales that were designed to cope with the flow should also be obtained. To our knowledge, South West Water would normally not adopting the above ground SuDS features.

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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The applicant should clarify the attenuation storage required to limit the greenfield runoff rates to 3.3l/s as no such information is contained within the submitted Surface Water Management Plan. The application must note that, in accordance with Chapter 24.2 CIRIA's SuDS Manual (C753), the runoff areas used in greenfield runoff rate calculations must be consistent.

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The applicant should also provide confirmation from South West Water that discharging into their system is acceptable. The agreement in principle for South West Water to adopt the proposed rain garden and swales that were designed to cope with the flow should also be obtained. To our knowledge, South West Water would normally not be adopting the above ground SuDS features

Further comments:

We would be keen to impose the following conditions from a surface water drainage perspective to allow this planning application to be presented to the Planning Committee in April. The applicant must submit additional information, as outlined below, in order to demonstrate that all aspects of the proposed surface water management system have been considered.

- No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems (with further check on greenfield runoff rate and confirmation with South West Water regarding the acceptability of the runoff from the above ground features), and those set out in the Drakes Avenue, Exmouth, Barchester Care Home Surface Water Management Plan, 5183310-ATK-XX-XX-RP-C-001, Rev 3.0, dated 04 March 2019.

Reason: To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems. Although the brownfield site is being developed, the peak flow should still be based on the greenfield runoff rate. The applicant must therefore attempt to match this greenfield rate in the first instance, but if this is robustly demonstrated to be unfeasible, the application should work backwards to achieve a runoff rate as close to the greenfield conditions as possible. Importantly, the applicant will be required to provide evidence of the calculations undertaken to achieve the proposed runoff rate.

- No part of the development hereby permitted shall be commenced until the confirmation with South West Water to ensure they are happy to accept the runoff from the above ground SuDS features.



Reason: To ensure that the proposed runoff from the above ground SuDS features are acceptable by South West Water. The previous experience has indicated that South West Water will not adopt any above ground SuDS features. Should South West Water be reluctant to accept the runoff from the above ground SuDS features, the SuDS design would need to be amended to suit.

#### County Highway Authority

The site is situated on Drakes Avenue, Classification; L3718, a quiet residential area.

The revised layout includes 30 parking spaces for residents, staff and visitors. This layout provides two disabled parking spaces immediately outside the building and a cycle storage area. The refuse store can be collected from and manoeuvred from utilising the provided turning head, avoiding disruption or reversing onto the highway.

The site has a former use as a care home and therefore the local traffic network will not see a huge difference from this traffic capacity.

The driveway may well require a passing bay to assist vehicles entering and exiting as the drive is 50m long and provides for 30 parking spaces. Overall, however the County Highway Authority has no objection to this planning application.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, HAS NO OBJECTION TO THE PROPOSED DEVELOPMENT.

Re-consultation; 23/01/2019

The County Highway Authority would like to make two enquiries regarding this application, The design and access statement mentions that residents will not have vehicle ownership, Is this something that the client wishes to enforce and if so, How?

The design and access statement also makes reference to a Green Travel Plan, However this is not currently online and available to view.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, HAS NO OBJECTION TO THE PROPOSED DEVELOPMENT

Further comments:

The County Highway Authority is aware of the re-consultation of this planning application, we are satisfied that these details will not alter our stance upon this planning application.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, HAS NO OBJECTION TO THE PROPOSED DEVELOPMENT

### Other Representations

10 representations have been received, 5 raising objections, 2 in support and 3 making representation. These are summarised below

#### Objections

- Lack of on-site parking leading to nuisance parking on Drakes Avenue
- Loss of privacy and overlooking
- Invasion into family life
- Loss of light
- Building is too high and out of character with area
- Visual intrusion and loss of outlook
- No details of boundary treatment
- Refuse store too close to residential properties
- Noise and disturbance
- Roof design, including bin store, should include seagull proofing to prevent previous problems
- Additional congestion on Drakes Avenue
- Proximity of kitchen and service areas to neighbouring property resulting in noise and smells
- Mass excavation work required will result in major land issues and tree root disturbance
- Problems with drainage and water displacement
- Impact on trees

#### Support

- Proposed building more in scale with surroundings than previous scheme

#### Representations

- Building materials should be in keeping with those existing
- Grey or brown windows would reduce visual impact
- Construction plan will be necessary
- Construction parking should be on site
- Developer should undertake any repairs to damage road and footways

### **POLICIES**

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

Strategy 3 (Sustainable Development)

Strategy 4 (Balanced Communities)

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 22 (Development at Exmouth)

Strategy 36 (Accessible and Adaptable Homes and Care/Extra Care Homes)  
Strategy 38 (Sustainable Design and Construction)

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

EN14 (Control of Pollution)  
EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment System)  
EN22 (Surface Run-Off Implications of New Development)

H2 (Range and Mix of New Housing Development)

E20 (Provision of Visitor Attractions)

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

#### Government Planning Documents

NPPF (National Planning Policy Framework 2018)  
National Planning Practice Guidance

#### **Site Location and Description**

The application site is a cleared and vacant piece of land that was formerly occupied by a residential care home and a further single dwelling. It is set back from Drakes Avenue and accessed from a long driveway. The site comprises an area of around 0.75ha and is enclosed to all sides by tree and hedge boundary planting.

The site is on relatively high ground, generally level with the residential development on Drakes Avenue, however the land falls away considerably to the west and north where it borders properties on Avondale Road and Bradham Court.

#### **Site History**

The site has been cleared following the grant of planning permission in May 2016 (reference 15/1818/MFUL) for the following development:

Redevelopment of former Moreton Care Home to provide a total of 61 retirement living with care units (Use Class C2) with residents facilities, parking and landscaping, demolition of 13a Drakes Avenue.

This development comprised 61 apartments with additional communal facilities.

#### **Proposed Development**

Planning permission is sought for the redevelopment of the site to construct a new 75 bedroom care home with associated facilities, parking and landscaping.

The proposed accommodation is arranged on three floors, with additional servicing provided within a lower ground floor. 25 en-suite bedrooms are proposed on each of the ground, first and second floor, together with shared lounge and dining facilities.

The position of the building within the site has been slightly amended from the previously approved scheme, to move the building further away from the properties in Freelands Close to the north east of the site. The overall footprint of the building is also somewhat less than that previously approved in 2015 (54m wide by 72m long at its greatest), with the building extending to approximately 42 metres at its widest point by approximately 60 metres in depth. The maximum ridge height at around 13 metres is also less than that previously approved at a maximum of 15m with the previous building on the site approximately 13m high.

Externally 30 parking spaces are proposed, including 2 disabled spaces, together with secure cycle parking, and electric scooter parking. The building is proposed to be contained within landscaped gardens and outside amenity space.

## **ANALYSIS**

The main issues in the consideration of this application relate to the principle of the proposed development; the design and scale of the building and its relationship with surrounding properties and character of the area; suitability of the access and highway safety; and any impact on residential amenity; trees; ecology; flood risk and surface water drainage and any other matters.

### **Principle**

The application is located within the built-up area of Exmouth which is identified in the adopted East Devon Local Plan as a sustainable location for new development.

The site was formerly occupied as a care home under Class C2 and has a lawful use for this purpose. 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)”*

Whilst no specific information has been submitted in respect of the precise nature of the care to be provided, the layout of the building and the size and lack of facilities proposed within the bedrooms (which have only an en-suite bathroom, and no living or kitchen space) would not permit independent living. With this in mind it is accepted that the development would fall within a Class C2 use.

Strategy 36 (Accessible and Adaptable Homes and Care/Extra Care Homes) of the local plan states

*"We will aim to secure Care and Extra Care homes in all of our Towns and Larger Villages in line with provision of:*

- a) 150 Care/Extra Care Home Spaces at Exmouth;*
- b) 50 Care/Extra Care Home Spaces at Axminster, Honiton, Sidmouth, Seaton and Ottery St Mary; and*
- c) 10 (or more) at larger settlements with a range of facilities that have easy accessibility to a GP surgery.*

*Care/Extra Care home proposals will be acceptable on sites allocated for residential development (or which include residential uses as part of an allocation, though in such cases provision should be 'off-set against the residential element/land). Proposals for specialist housing should be accompanied by a Care Needs Assessment which justifies the proposal's scale, tenure and accommodation type. Where such provision is proposed on an allocated housing site the actual need for provision should also be established. The Council will take account of financial viability considerations, and overall contributions for affordable housing, where older person housing is proposed on or as part of a site for residential development and such provision impacts on site viability."*

This proposal will effectively replace the bed spaces lost through the closure of the previous nursing home on the site which had 40 bedrooms, and would provide an additional 35 spaces due to the increased capacity proposed which will make a contribution towards the need for additional accommodation within the Exmouth area, in compliance with Strategy 36 of the Local Plan.

In addition, and weighing in support of the proposal is the creation of approximately 80 jobs, both full and part-time to cover the shifts required to provide management and care 24 hours a day.

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

The proposal is for resident's accommodation and associated facilities arranged over three floors, with basement servicing below. The footprint of the building is a handed 'L' shape with the main entrance and reception to the front of the building, together with public and staff parking, and further accommodation extending into the site. The general impression in approaching the building from the road is of a two/three storey building mainly constructed of brick and tile hanging under a tiled roof. A number of gable projections are indicated in the main elevations to provide relief and to provide visual breaks to the building.

Further detailing to the building includes the provision of a number of Juliet balconies on the first floor bedrooms, chimneys and brick and timber panelling to the projecting gables.

In terms of bulk the proposed building is less substantial than that previously approved, although a greater number of resident bedrooms are proposed. This is mainly due to the nature of the accommodation now proposed, with resident bedrooms being single occupancy with no lounge or kitchen facilities. As a consequence of this there is greater opportunity for landscaping and planting around the building which is also located further away from existing residential properties.

The building is somewhat larger than the surrounding development, however the site was previously occupied by a large building which has been extended in an ad hoc fashion. The positioning and articulation of the proposed building is considered to fit comfortably within the site, and is of a scale and design which is appropriate to its setting.

## **Residential Amenity**

The proposed building occupies a similar, albeit slightly larger footprint to that of the former care home, but reduced footprint compared to the scheme approved in 2016. As such, and given the more intensive use of the site proposed, there is the potential for additional impact in terms of loss of residential amenity for the occupiers of the properties adjacent to the site.

Concern has been raised by a number of residents regarding the impact of the development in terms of additional traffic, noise and disturbance, overlooking and loss of privacy, visual intrusion, and physical impacts such as damage to trees and additional flood risk/surface water run-off.

During the course of the application amendments to the position of the bin store and parking arrangements have been submitted, and additional tree protection, drainage and ecological information submitted to address consultee comments.

Access to the development is taken from Drakes Avenue, with the existing access to the former care home being used to serve the proposed care home. This will result in an increase in the use and activity levels arising from the development over and above the currently unused site. However given the nature of the proposed use residents of the care home are unlikely to have access to their own vehicles, and the levels of staff and ancillary traffic proposed are not considered to be such that would give rise to an unacceptable increase in disturbance.

The position of the building and distances between this and the properties surrounding the site is considered to be such that there will be no material loss of residential amenity for the occupiers of existing properties. To the north and west the land slopes to the site boundary, with properties beyond this, however even at the closest point the distances, in excess of 28 metres and over 40 metres between the majority of the rooms and the rear of the properties in Avondale Road, is considered to be reasonable.

The properties to the east and south of the site are at least 30 metres from the proposed buildings which is also considered to be a reasonable distance to ensure that existing amenities of neighbouring residents is maintained, particularly given the existing and proposed levels of boundary planting.

## **Trees**

The site is generally enclosed with existing hedging and a trees to the boundaries, with a number of the trees on the northern boundary being protected by a tree preservation order.

There are no proposals to fell any of the trees on the site, and whilst some management will be required, the impact of the proposed development on the trees is considered to be acceptable. Some car parking is proposed under the canopy of one of the trees on the eastern boundary, and concern has been raised that if there is allocated parking there is the potential nuisance arising from twigs/leaves/sap dropping onto cars below. However none of the spaces are proposed to be allocated

to residents and staff and visitors would have the choice of parking spaces, and as such no substantive objection is raised in this regard.

Subject to appropriate tree protection and management measures, and where appropriate additional planting, the proposal is acceptable with regard to any impact upon trees.

### **Access and Highways**

The existing access is proposed to be retained and reused and this is considered to be appropriate to serve the development and has adequate visibility onto Drakes Avenue. 30 parking spaces are proposed, to the front and on the eastern side of the building which will be for the use of staff and visitors to the development, with no allocated residents parking due to the nature of the accommodation meaning that car ownership from residents is not permitted. This is considered to be acceptable, offers a reasonable layout of the spaces and follows provision at the applicant's other facilities across the country allowing adequate parking for staff and visitors at a ratio of 1 space per 3 bedrooms.

A modest cycle store is proposed, and a green travel plan submitted encouraging users of the site to use alternative means of transport other than the car where possible.

Adequate turning space to the front of the site for service and emergency vehicles has been demonstrated.

The previous proposal included 44 parking spaces and whilst this was a greater number to serve less units, considering that the previous proposal was for apartments, 43 of which were 2-bedroomed, it is considered that the level of parking proposed for the 75 units is reasonable.

The County Highway Authority have raised no objection to the proposal.

### **Ecology**

The application is accompanied by a preliminary ecological appraisal which identifies suitable habitats of a number of common reptiles. There is evidence of badgers using the site, although no setts have been identified. In addition the trees and hedges to the boundaries of the site house nesting birds and bats. Subject to the retention of the existing trees and the further mitigation works and protections measures identified in the report the proposal is not considered to have any negative impact on the existing ecology, and offers the opportunity to enhance the existing ecological value of the site.

The applicant has adequately addressed mitigation for any impacts upon the Exe Estuary and Pebblebed Heaths through the payment of the appropriate financial contribution. This is addressed in the attached Appropriate Assessment that has been agreed by Natural England.



## **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.

## **CONCLUSION**

The application is before Members due to concerns raised by the Town Council regarding the proposal representing an over-development of the site, lack of car parking and turning for emergency vehicles.

With regard to the scale of development, the proposal replaces a previous care home on the site and following planning permission in 2016 for a 61 retirement living care units (a number of which were 2-bedroomed). The 2016 proposal consented more bedrooms within a taller building that covered a greater footprint.

Given that the current proposal is for a smaller building (allowing more landscaping and communal grounds), and given that the 75 bedrooms are rooms with on-suite facilities with all other facilities communal, it is not considered that the proposal represents over-development of the site.

With regard to car parking and turning, the application demonstrates that suitable turning is provided to the front of the site at the entrance and the 30 car parking spaces are considered to be acceptable given that residents will not be allowed cars so the spaces only have to serve staff and visitors. The number of spaces complies with the applicant's standards of 1 space per 3 bedrooms and is supported by the County Highway Authority.

Also material to the proposal is the fact that the proposed redevelopment of the site will replace the bedspaces lost by the closure of the previous care home on the site, and make an additional contribution towards the recognised need for further spaces identified in Strategy 36 of the local plan. In addition, the building is considered to be of a suitable design, and subject to conditions to ensure appropriate parking, landscaping, drainage and other protection measures are put into place the proposed development is considered to be acceptable and the application is consequently recommended for approval.

## **RECOMMENDATION**

- 1. That the Habitat Regulations Appropriate Assessment attached to this Committee report be adopted;**
- 2. That the application be APPROVED 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.  
(Reason - For the avoidance of doubt.)
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 the commencement of the development the applicant must provide an Environmental Management Plan to the satisfaction of the Local Planning Authority detailing the way in which environmental impacts will be addressed and incorporated into the design, layout and management of the site. The Plan shall consider the impacts of noise (including low frequency noise), traffic and light on the local environment, and the way in which these impacts will be mitigated. The Plan shall also include details of the foul and surface water drainage systems, and arrangements for the prevention of pollution of any nearby watercourse.  
Reason: To protect the amenity of local residents and to ensure compliance with Local Plan policy EN15.
5. Prior to the commencement of the development hereby approved (including all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.

Specific issues to be dealt with in the TPP and AMS:

- a) Installation of any underground services within the Root Protection Area (RPA) of retained trees.
- b) A full specification for the installation of boundary treatment works
- c) Methods of hard surface removal within the RPA of any retained trees.
- d) A full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of

the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them.

e) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.

f) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.

g) Details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires

h) Arboricultural supervision and inspection by a suitably qualified tree specialist

i) Reporting of inspection and supervision

The development thereafter shall be implemented in strict accordance with the approved details or any variation as may subsequently be agreed in writing by the LPA.

(Reason: Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, in accordance with Policy D3 - Trees and Development Sites of the East Devon Local Plan 2016 and pursuant to section 197 of the Town and Country Planning Act 1990)

6. No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems (with further check on greenfield runoff rate and confirmation with South West Water regarding the acceptability of the runoff from the above ground features), and those set out in the Drakes Avenue, Exmouth, Barchester Care Home Surface Water Management Plan, 5183310-ATK-XX-XX-RP-C-001, Rev 3.0, dated 04 March 2019.

(Reason: To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems. Although the brownfield site is being developed, the peak flow should still be based on the greenfield runoff rate. The applicant must therefore attempt to match this greenfield rate in the first instance, but if this is robustly demonstrated to be unfeasible, the application should work backwards to achieve a runoff rate as close to the greenfield conditions as possible. Importantly, the applicant will be required to provide evidence of the calculations undertaken to achieve the proposed runoff rate.)

7. No part of the development hereby permitted shall be commenced until the confirmation with South West Water to ensure they are happy to accept the runoff from the above ground SuDS features.

(Reason: To ensure that the proposed runoff from the above ground SuDS features are acceptable by South West Water. The previous experience has indicated that South West Water will not adopt any above ground SuDS

features. Should South West Water are reluctant to accept the runoff from the above ground SuDS features, the SuDS design would need to be amended to suit.)

8. The development of the site shall be undertaken in accordance with the recommendations of the Preliminary Ecological Appraisal prepared by RPS Ecology and dated October 2018). Prior to the construction of the building permitted, a detailed specification for ecological mitigation and enhancement works, shall be submitted to the Local Planning Authority and agreed in writing. The measures as required by the agreed detailed specification shall then be installed and undertaken during the construction of the development hereby permitted and shall be completed in full prior to the first occupation of the development.

(Reason: In order to ensure that the development has an acceptable level of ecological impact and provides sufficient mitigation, and to accord with the aims of policy EN5 (Wildlife Habitats and Features) 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. No development above foundation level shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority; such a scheme to include the planting of trees, hedges, shrubs, herbaceous plants and areas to be grassed. The scheme shall also give details of any proposed walls, fences and other boundary treatment. The landscaping scheme shall be carried out in the first planting season after commencement of the development unless any alternative phasing of the landscaping is agreed in writing by the Local Planning Authority and the landscaping shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.

(Reason - To ensure that the details are planned and considered at an early stage 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 D2 - Landscape Requirements of the Adopted East Devon Local Plan 2013-2031.)

11. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas other than privately owned domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to any development above

foundation level. The proposals shall be carried out as approved for the full duration of the plan.

(Reason - 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 D2 (Landscape Requirements) of the East Devon Local Plan 2013-2031)

12. Details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the building hereby approved. Development shall be carried out in accordance with the approved details.

(Reason - In the interest of the character and appearance of the locality in accordance with Policy D1 -Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)

13. The development of the site shall be undertaken in accordance with the recommendations of the Green Travel Plan dated January 2019 received 31 January 2019.

(Reason: In order to ensure that the development has an acceptable level of ecological impact and provides sufficient mitigation, and to accord with the aims of policy EN5 of the emerging East Devon Local Plan.)

14. The proposed development shall be used as a C2 Care Home only.

(Reason: In accordance with the application details, given that the level of car parking is contrary to Policy TC9 – Parking Provision in New Development of the Adopted Local Plan 2013-2031 but considered to be acceptable for a C2 care home use, and as the Appropriate Assessment and necessary mitigation has been carried out for a C2 use only in accordance with Strategy 47 – Nature Conservation and Geology of the East Devon Local Plan 2013-2031).

## NOTE FOR APPLICANT

### Informatives:

1. 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 planning concerns have been appropriately resolved.

2. Pre-commencement Meeting

Before any development or construction work begins, a pre-commencement meeting shall be held on site and attended by the developers appointed arboricultural consultant, the site manager/foreman and a representative from the Local Planning Authority (LPA) to discuss details of the working procedures and agree either the precise position of the approved tree protection measures to be installed OR that all tree protection measures have been installed in accordance with the approved tree protection plan. The development shall thereafter be carried out in accordance with the approved details or any variation as may subsequently be agreed in writing by the LPA.

Plans relating to this application:

Amended Surface Water Management Plan	Additional Information	04.03.19
Additional Information	Ecological Assessment	31.01.19
Additional Information	Travel Plan	31.01.19
AL(9)901 Rev D	Proposed Site Plan	04.02.19
18.46.1.TTP	Other Plans	06.02.19
AL(9)903 Tree Protection Plan	Other Plans	04.02.19
AL(1)150 Rev B	Sections	12.03.19
AL(1)151 REV A : B-B,C-C,D-D,E-E	Sections	28.09.18
5th Feb 2019 (amended)	Arboriculturist Report	06.02.19
AL(9)902 : REFUSE STORE	Other Plans	28.09.18
AL(1)140 REV A SHEET 1 OF 3	Proposed Elevation	28.09.18
AL(1)141 REV A SHEET 2 OF 3	Proposed Elevation	28.09.18
AL(1)142 REV A SHEET 3 OF 3	Proposed Elevation	28.09.18
AL(0)001 : PROPOSED BASEMENT	Other Plans	24.09.18
AL(0)004 : SECOND	Proposed Floor Plans	24.09.18
AL(0)005	Proposed roof plans	24.09.18
AL(0)002 :	Proposed Floor Plans	24.09.18

GROUND

AL(0)003 :            Proposed Floor Plans      24.09.18  
FIRST

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	18/2203/MFUL
Brief description of proposal	<b>Redevelopment of site to provide 75 bed care home (use class C2), parking, landscaping and refuse store</b>
Location	<b>Moreton, 13 Drakes Avenue, 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 Screening for Likely Significant Effect on Moreton, 13 Drakes Avenue, 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 Moreton, 13 Drakes Avenue, 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 is <b>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.	XX DELETE/COMPLETE AS APPROPRIATE XX Joint approach standard mitigation contribution required <ul style="list-style-type: none"><li>Residential units £201.61 x 35 (<i>the additional number of units</i>) = £7,056.35</li></ul>	
Are the proposed mitigation measures sufficient to overcome the likely significant effects?	Yes - the Joint Approach contribution offered is considered to be sufficient.	
<b>Conclusion</b>		
List of mitigation measures and safeguards	Total Joint Approach contribution of £7,056.35 has been received.	
The Integrity Test	Adverse impacts on features necessary to maintain the integrity of Moreton, 13 Drakes Avenue, Exmouth <b>can</b> be ruled out.	

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*-*Calliergon 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)**