

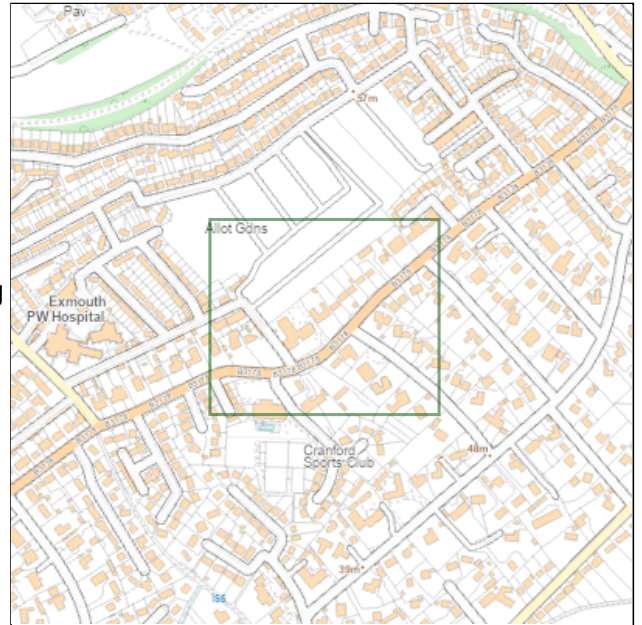
Ward Exmouth Littleham

Reference 23/0538/FUL

Applicant Mr David Crocker

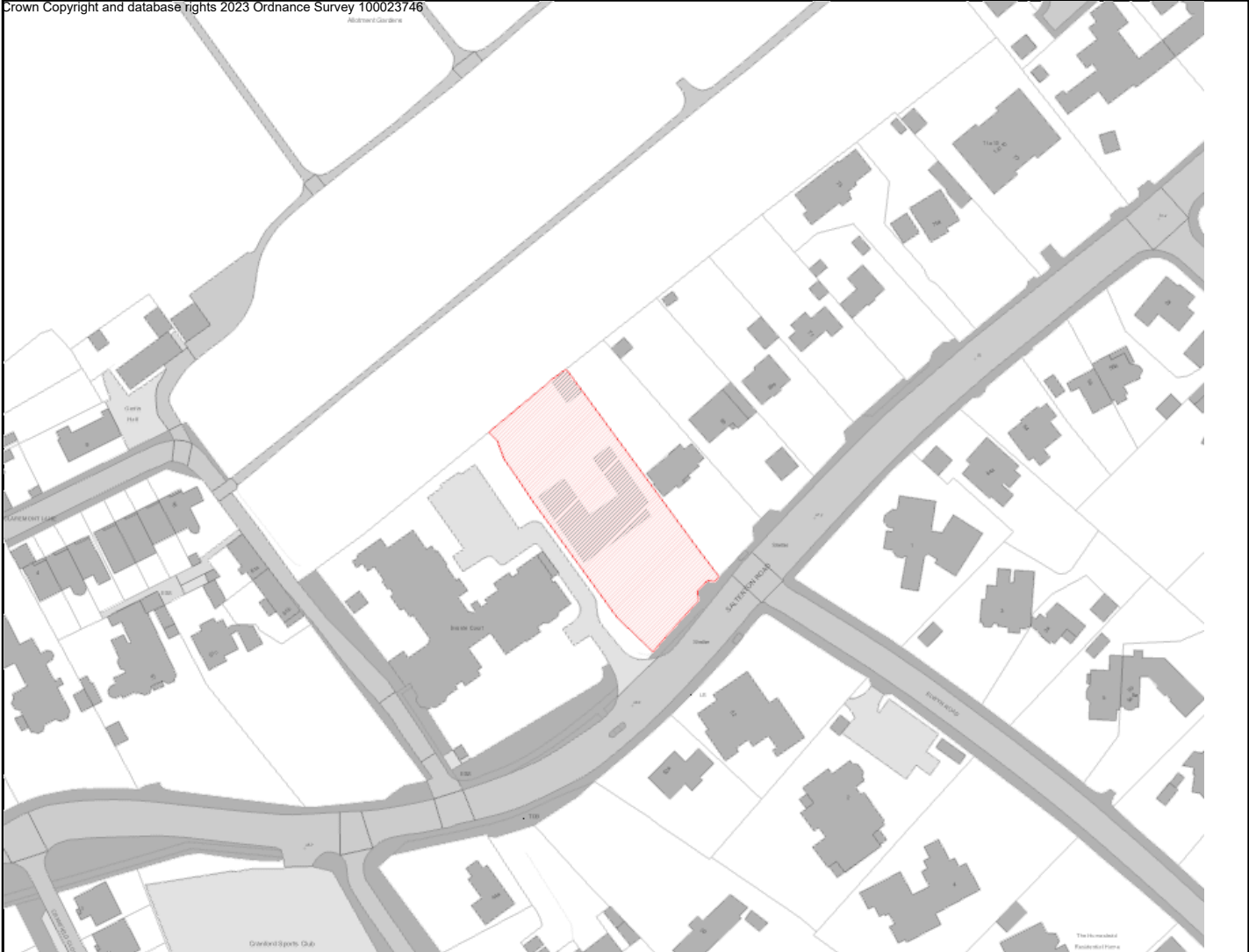
Location Chestnuts 65 Salterton Road Exmouth EX8 2EJ

Proposal Construction of ground floor and first floor extensions to create an additional 10 additional HMO bedrooms, creation of new vehicular access onto Salterton Road and provision of parking to the front of the site.



RECOMMENDATION: Approval with conditions

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		Committee Date: 22.08.2023
Exmouth Littleham (Exmouth)	23/0538/FUL	Target Date: 05.05.2023
Applicant:	Mr David Crocker	
Location:	Chestnuts 65 Salterton Road	
Proposal:	Construction of ground floor and first floor extensions to create an additional 10 additional HMO bedrooms, creation of new vehicular access onto Salterton Road and provision of parking to the front of the site.	

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EXECUTIVE SUMMARY

This application seeks planning permission for the construction of single storey and first floor extensions to the rear of an existing 14 bed House in Multiple Occupation. It is before Planning Committee because the officer recommendation differs from that of the ward councillor. The site has an extant planning permission for the demolition of the existing building and the construction of 9 apartments with a new vehicular access onto Salterton Road and the provision of parking and bin stores.

This brownfield site occupies a sustainable location within the built-up area boundary of Exmouth where the principle of expansion of the existing HMO is considered to be acceptable. The existing building is attractive and makes a positive contribution to the character and appearance of the area and the design, size and scale of the proposed extensions are considered to be appropriate for the building and the site with little impact on the character and appearance of the area.

Whilst the proposed first floor extension would have a degree of impact on the amenities of the occupiers of surrounding properties as a result of its increase in height, bulk and massing, the impacts are not significant enough to sustain refusal on the grounds of it being unduly over bearing, over dominant or through loss of privacy. Privacy issues have been designed out of the scheme through windows on side elevations with restricted views out.

In the absence of any significant harm to the character and appearance of the area, the residential amenities of the occupiers of surrounding properties, highway safety and ecology, it is considered that on balance, the proposed development is acceptable and would comply with both the strategic and

development management policies contained within the East Devon Local Plan and the policies contained within the Exmouth Neighbourhood Plan.

Accordingly the application is recommended for approval.

CONSULTATIONS

Local Consultations

Exmouth Littleham - Cllr Anne Hall

Having seen the revised plans moving the two storey element from the East wing to the West wing this seems to have lessened the impact considerably on the neighbours to the East.

I however would like to have a condition added that the car parking surface be permeable (not tarmac) to prevent excess surface water run off especially due to the fact there's not a highway gully within 250 metres of the site.

Exmouth Littleham - Cllr Nick Hookway

Dear Planning Team,

As a Consultee, I wish to object to the above application.

I consider this to be an overdevelopment of the site which will lead to neighbouring properties suffering a loss of privacy by being overlooked.

Yours sincerely,

Nick Hookway,

Exmouth Littleham Ward member.

Chair of the Placemaking in Exmouth Town and Seafront group (PETS).

Portfolio Holder for Culture, Sport, Leisure and Tourism

East Devon District Council.

Cllr Brian Bailey 4/8/2023

My view on Chestnuts Salterton road Exmouth is at the moment the same as the town council However I reserve my opinion until the planning committee Where more information may be available .

Parish/Town Council

Meeting 05.06.23

Objection sustained; the amended plans did not mitigate previous concerns that the application for a total of 24 HMO bedrooms was considered to be over development of the site. It was noted that County Highways has not responded despite concerns about the impact on the Highway and local bus services.

Parish/Town Council

Meeting 27.03.23

Objection, members felt that the proposal was overdevelopment of the site and concerned about the impact of on the highway.

Technical Consultations

County Highway Authority

Observations:

I have visited the site in question and reviewed the planning documents.

The design and access statements mentions 27 parking spaces, however I can only establish 22 from the proposed plans, however the geometry and layout of these 22 spaces does allow for off-carriageway turning. The existing permitted vehicular access will be utilised.

There has been 1 slight collision in our 5 year rolling period of recorded collisions currently 2017-2021, with the junction of Elywyn Road opposite this development and no directly associated collisions with the access of 65 Salterton Road. Guidance has been refreshed since the recommendation of refusal application in 2005, whereby the modern technology of motor vehicles and better performing road surfaces means differing traffic flows are now considered acceptable, in accordance with Manual for Streets 1 and 2.

However, acceptable parking numbers is a policy for East Devon District Council (EDDC) to administer. Exmouth, does have a range of local services and facilities, together with sustainable travel options of the bus, train and Exe-Valley trail. I would encourage the provision of secure cycle storage to compliment this use and help mitigate trip generation from this development.

I would also recommend the provision of a Construction and Environment Management Plan (CEMP), to help mitigate the effect of construction upon the local highway network.

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.

Officer authorised to
sign on behalf of the County Council 11 July 2023

Police Architectural Liaison Officer - Kris Calderhead

Thank you on behalf of Devon and Cornwall Police for the opportunity to comment on this revised application.

Could I respectfully request that the following planning condition is considered should the application progress:

- Condition: The main communal entrance does not have a tradesperson or timed-release mechanisms for mail delivery or utility readings.

Reason: They have been proven to cause of anti-social behaviour and unlawful access to communal developments.

Mailboxes should be located within an 'airlock' access-controlled entrance hall / lobby, whereby access can be gained by a postal worker through the outer door only, thus negating casual intrusion. From the plans it appears that the design lends itself to such arrangement if not already in place.

As an alternative, 'through-the-wall' mail delivery into secure internal letterboxes or external letterboxes (certificated to TS009) should be used.

The communal door must have an effective access control and door entry system to prevent casual intrusion to semi-private / private space and not allow visitors beyond the public realm without permission.

- Additionally, if not already in place it is recommended that a detailed Management Plan is devised detailing arrangements for cleaning, internal and external maintenance, tenant behaviour, security etc. to ensure an appropriate level of control and amenity at the property.

Private Sector Housing (EDDC)

Ensure adequate kitchen amenities and extraction as per page 9 of the East Devon District Council Amenity Standards 2019. Ensure a new HMO application is made on completion for an increase of numbers and change in floor plan by contacting Private Sector Housing, East Devon District Council. Email Address: pshousing@eastdevon.gov.uk

Other Representations

2 letters of objection have been received at the time of writing this report raising concerns which can be summarised as:

- Noise and smells from bin store
- Over development of the site
- Highway safety and parking issues
- Lack of privacy of HMO rooms
- Overshadowing and loss light
- Questions over the Inspector's appeal decision

PLANNING HISTORY

Reference	Description	Decision	Date
21/0103/FUL	Demolition of existing buildings and construction of 9 no. apartments with associated parking, cycle and bin stores and creation of new vehicular access onto Salterton Road.	Refusal – allowed at appeal	03.03.2022
20/2679/FUL	Change of use of 1st floor apartment to 4 no. HMO bedrooms (Retrospective application)	Approval - standard time limit	18.01.2021

20/0311/MFUL	Demolition of existing 10 unit house in multiple occupation and erection of a 9 unit apartment block and 1 no. detached dwelling with associated parking, cycle and bin stores together with two new accesses onto Salterton Road	Withdrawn	24.08.2020
08/3034/COU	Change of use of ground floor from residential care home to house in multiple occupation comprising 10no. units of residential accommodation	Approval with conditions	22.12.2008
08/0055/MFUL	Demolition of existing nursing home and erection of ten 2 bedroom residential units with associated access & parking	Refusal	24.10.2008
07/0392/MOUT	Demolish existing rest home and erect 12 two-bedroom flats	Refusal	01.06.2007
05/3285/MOUT	Demolition of existing building and erection of 14 flats	Refusal	27.02.2006

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies
Strategy 6 (Development within Built-up Area Boundaries)

Strategy 22 (Development at Exmouth)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)

EN21 (River and Coastal Flooding)

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)

Policy EB2- Design

Government Planning Documents

NPPF (National Planning Policy Framework 2021)

Government Planning Documents

National Planning Practice Guidance

Site Location and Description:

The site refers to 65 Salterton Road, a large detached two storey early 20th century property that has been extended in the 1980's and 1990's to include two single storey rear projecting elements. The property is currently in use as a 14 bedroom House in Multiple Occupation and benefits from a large landscaped front garden with parking and retaining wall to the front boundary. The HMO sits on a large site with associated rear amenity space and front car park for multiple vehicles. On the ground floor the property consists of 10 no. HMO bedrooms with communal laundry, dining, lounge, hall, and kitchen facilities. On the first floor are a further 4 HMO bedrooms all using a shared bathroom, and an existing kitchen lounge.

The east of the site is adjoined by a large detached property and its rear garden and to the west is a large McCarthy and Stone retirement home. To the rear of the site is a large area of allotments. The site is located within in built-up area boundary and within the Avenues area of Exmouth and is not the subject of any landscape or townscape designations.

Planning History:

The most recent planning history for this site relates to an application (ref 21/0103/FUL) for the demolition of existing buildings and construction of 9 no. apartments with associated parking, cycle and bin stores and creation of new vehicular access onto Salterton Road. This application was allowed on appeal (ref APP/U1105/W/22/3303990) on the 17th January 2023 and is therefore extant and capable of implementation.

Whilst each planning application must be determined on its own merits, this report will draw upon the Inspector's conclusions in respect of the impacts on character and appearance, residential amenity and highway safety where relevant to this current application.

Proposed Development:

Planning permission is sought for a single storey and two storey extension at the rear of the building to create further 10 rooms for the HMO. The proposal includes the demolition of an existing single storey extension containing two bedrooms on the north eastern side and its replacement with a larger single storey extension that would provide an additional six bedrooms at ground floor. It also includes the construction of a first floor extension over an existing single storey element of the building on the south west side which would provide an additional 6 rooms at first floor level. The extensions would have a hipped roof design and would be constructed from materials to match the existing building.

The proposal includes the creation of a new vehicular access to the south of the existing access onto Salterton Road leading to a parking area for 22 vehicles, a bin and cycle store.

Issues and Assessment:

The main issues to consider in determining this application are in terms of:
The policy context and principle of development

- Character and Appearance
- Residential Amenity
- Highway Safety and Parking
- Ecological Impact
- Habitat Regulations Assessment
- Arboricultural Impact
- Surface Water Run-Off

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 and carry full weight. The Exmouth Neighbourhood Plan (NP) has been 'made' and also carries full weight.

ANALYSIS

Principle:

The site is located within the built-up area boundary of Exmouth in a highly sustainable location where the principle of residential development in location terms is considered to be acceptable under the provisions of Strategies 6 (Development within Built-Up Area Boundaries) and 22 (Development at Exmouth) of the East Devon Local Plan subject to compliance with other policies within the East Devon Local Plan.

Character and Appearance:

Policy D1 (Design and Local Distinctiveness) of the Local Plan states that proposals will only be permitted where they respect the key characteristics and special qualities of the area in which the development is proposed and ensure that the scale, massing, density, height, fenestration and materials of buildings relate well to their context.

Policy EB2 of the NP states that new development should be mindful of surrounding building styles and ensure a high level of design as exemplified in the Avenues Design Statement (2005).

The site is situated in the Avenues area of Exmouth where the predominant type and style of development is characterised by large detached properties set well back from the road in spacious landscaped grounds. The existing building is an attractive and substantial two storey early 20th century building that has been extended through the construction of two single storey wings which gives the building its 'U' shaped footprint. It is understood that the building was formerly in use as a nursing home and now in use as a 14 bedroom House in Multiple Occupation.

The proposed extensions are to be constructed at the rear of the building which would have a very limited impact on its character and appearance or the wider streetscene. The first floor extension on the site's south western side would be visible above the single storey element at the front of the building however owing to its position set well back from the road and behind the building line of the existing building, it isn't considered that it would have any significant impact on the character and appearance of the building or the wider area.

The proposal includes the provision of additional parking spaces and a bin store at the front of the site which would result in a degree of impact on the visual amenity of the site. In the previous appeal, the Inspector considered the impact of parking and bin storage and concluded:

I observed that the existing car parking and bin storage area to the front of the property is clearly visible from the highway, as is the case with a number of parking areas to the fronts of properties along Salterton Road. The proposal would result in the number of carparking spaces to the front increasing. However, I note that the proposed carparking area would utilise a grasscrete surface, incorporate landscaping to the frontage, and also a reduced ground level. While vehicle parking in this area would still be clearly visible, I find that the measures in combination would help limit the visual impact of the car parking, with the resulting car parking area not appearing any more prominent or unduly intrusive than the existing arrangement, thus maintaining the character of the area.

This proposal also includes grasscrete surfacing of the parking spaces, additional landscaping to the site frontage and lowering the ground levels which would help to limit the visual impact of the parking area on the character of the area as considered by the Inspector. On balance, it is considered that the proposal is acceptable in design terms and would comply with the provisions of policies D1 and EB2 of the Local Plan and Exmouth Neighbourhood Plan.

Residential Amenity:

Policy D1 of the Local Plan requires that proposals do not adversely affect the residential amenities of the occupiers of existing properties. It should first be noted that amended plans have been received following concerns from officers about the impact the proposed first floor extension would have had on the occupiers of no 67. As originally submitted, the first floor extension was proposed on the north eastern side of the site but this has now been moved to the south western side of the site.

The proposed development would have its most significant impact on the properties either side of the site, no 67 Salterton Road to the north east and Bronte Court to the south west. The impact on the residential amenities of the occupiers of these properties will be considered as follows:

67 Salterton Road:

No 67 has a large rear garden which runs parallel to the site boundary. At present the existing building projects close to the boundary with no 67 but with its single storey rear wings does not impact significantly on the property or the garden.

A replacement single storey extension would be constructed running parallel to the garden boundary of no 67. It would extend further back into the site by 2.0 metres but would be constructed further away from the boundary such that it isn't considered that the extension would have a significant impact in terms of its physical impact, through loss of light or overlooking. The replacement extension would be 1.0 metre higher than the existing extension however its single storey form coupled with its hipped roof design whereby the roof would slope away from the boundary would ensure no significant harm to amenity. The hipped roof of the extension would also prevent any views out from first floor windows over the first floor extension ensuring no loss of privacy or overlooking.

It should be noted that the proposed extension would have far less of an impact than the extant apartment scheme that was allowed on appeal where the Inspector stated:

The majority of the proposed development would be sited slightly further away from the boundary than the existing, with the rear section projecting into the rear garden in single storey form, increasing in height further away from the boundary with 67. Both the single storey and 2 storey building forms feature hipped roofs. In combination between the varying heights of differing parts of the building, and hipped roofs, the design solution successfully limits the bulk and massing of the proposed development when viewed from 67. Therefore, even if existing planting were to be removed along the boundary with 67, the proposed development would not appear over dominant or overbearing and given the location of proposed windows, would not result in any significant additional overlooking.

Bronte Court:

Bronte Court is a sheltered development located to the south west of the application site which has its side elevation with ground, first and second floor windows facing

towards the site. The windows ground, first and second floor windows are understood to be secondary living room windows and kitchen windows to the apartments on the north eastern side of the building. The site opens up to the rear with a shared car parking area with apartments facing over with rear balconies.

In respect of the appeal scheme the Inspector concluded:

Bronte Court is located to the southwest of the appeal site and is a large 3 storey development of apartments. I observed that the side elevation of Bronte Court facing the appeal site features windows at ground, first and second floor levels. The closest side elevation of Bronte Court to the appeal site is separated from the appeal site by an access road leading to a parking area, and a brick wall and mature planted boundary.

Although the footprint of the proposed development is further away from the boundary than the existing building, the proposal will result in a 2.5 storey element facing the flank wall of Bronte Court. This flank wall of Bronte Court is stated to be approximately 10.5 metres from the proposed development at its nearest point.

Despite the appeal site ground level being elevated above the ground level of Bronte Court, the eaves height of the proposed development would be similar to that adjacent at Bronte Court, with the steep pitch roof reducing the bulk of this element of the proposed development. Combined with the distance from the boundary, overall distance to Bronte Court, and retention of existing boundary vegetation, I find that the proposal would not appear over-bearing or over-dominant from the neighbouring apartments. Furthermore, due to the spatial relationship, distance, eaves heights and roof design there would be no significant impact on light.

I am aware that amendments have been made during the application process to the design of the proposal in response to concerns raised regarding privacy by third parties. The position, and use, of high-level windows and obscure glazing and a balcony privacy screen to the south-west elevation would prevent any direct overlooking of windows within Bronte Court. These can be secured through an appropriately worded condition. The proposal would not therefore result in any significant overlooking or impact on neighbouring occupiers' privacy.

The proposed first floor extension would have a hipped roof design, parts of which would exceed the height of the approved apartment block by 2.2 metres. Whilst this would be the case, the hipped roof form of the extension would ensure that the additional height would result in no significantly greater physical impact on the occupiers of Bronte Court by virtue of its roof sloping away from the boundary. Furthermore, the proposed extension continues to incorporate the previous bay window design which restricts views towards Bronte Court which would prevent any overlooking or loss of privacy.

The proposal would extend no closer to the boundary with Bronte Court and would retain the existing boundary vegetation in the same manner as the apartment scheme such that it is considered that this scheme would not adversely affect the amenities of the occupiers of Bronte Court to a degree that would justify refusal of the application.

Given the proximity of the site to neighbouring residential units, there remains the potential for an impact on living conditions during the construction phase and therefore it is considered necessary and reasonable to secure the submission of a Construction and Environmental Management Plan (CEMP) through planning condition to ensure the living conditions of neighbouring and future occupiers are protected from any associated noise, air, water and light pollution.

The proposal would comply with the provisions of policy D1- Design and Local Distinctiveness of the Local Plan.

Highway Safety:

Local Plan policy TC7- Adequacy of Road Network and Site Access of the Local Plan states that planning permission for new development will not be granted if the proposed access, or the traffic generated by the development, would be detrimental to the safe and satisfactory operation of the local, or wider, highway network.

In the same manner as the appeal scheme, the proposal would introduce a new vehicular access to the south of the existing entrance onto the B3178, Salterton Road. In the previous appeal decision, the Inspector considered the impacts on highway safety and concluded:

While I note local concerns relating to the access and accidents in the vicinity of the appeal site, the County Highway Officer has not raised any objection to the proposal. The proposed access would be to the south of the existing entrance, and although I observed Salterton Road is a busy highway, vehicle speeds were not high and sufficient visibility splays are proposed. While I acknowledge that what I saw was only a snapshot in time, it accords with the Highway Officer's findings. Furthermore, a condition can be imposed requiring the existing access to be stopped up, given its proximity to the proposed new access. On the evidence before me, I see no reason to disagree with the County Highway Officer in this matter.

Whilst this proposal is for an additional 10 bedrooms, it isn't considered that the traffic impacts from this development would be significantly different to that generated by the appeal scheme. Members should note that the County Highway Authority continue to raise no concerns with this proposal on highway safety grounds such that it isn't considered that an objection could reasonably be sustained.

Local Plan policy TC9 (Parking Provision in New Developments) of the Local Plan states that spaces will need to be provided for Parking of cars and bicycles in new developments. As a guide at least 1 car parking space should be provided for one bedroom homes and 2 car parking spaces per home with two or more bedrooms. At least 1 bicycle parking space should be provided per home.

The Inspector considered parking provision in the previous appeal noting that:

Concerns have also been raised in relation to the parking provision proposed. Given the location of the appeal site close to facilities, services and public transport modes, the number of parking spaces provided, acknowledging the lack of a dedicated disabled space, is appropriate given the scale of development and policy

requirements. I note the sizes of the spaces and the potential manoeuvring difficulties highlighted by third parties. No objections have been raised by the County Highway Officer and while I note the lack of on-site turning area, and restricted manoeuvring space, particularly in relation to parking space 10, I have no evidence before me to indicate that this would lead to any wider highway safety concerns given the visibility splays and character of traffic movements on the highway.

Policy TC9 of the Local Plan does not set a target for developments of this nature however 10 additional car parking spaces are to be provided which totals one additional car parking space for each new HMO room. The development would provide a total of 22 car parking spaces across the site which given the location of the site and its accessibility to services and facilities and public transport in the town, coupled with the nature of the occupation of the building whereby not all occupiers are likely to have a private vehicle, it is considered that the parking arrangement shown is appropriate for the development.

Ecological Impact:

Policy EN5- Wildlife Habitats and Features of the Local Plan states 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 previous application for re-development of this site which proposed demolition of the existing buildings on the site was accompanied by two phase 2 emergence surveys to determine whether bats are present. No bats were recorded emerging from the identified features and only occasional passes by common pipistrelle (*Pipistrellus pipistrellus*) and serotine (*Eptesicus serotinus*) bats were noted. No evidence of nesting birds was noted during the survey and no further survey work was required regarding birds.

The ecological surveys were originally undertaken in August 2021 and these have not been updated as part of this application. An updated note has however been provided by the original ecologist who has advised that a further walkover survey has been conducted and that no significant changes were recorded and no detrimental impacts are predicted. The original surveys recorded low bat activity and no roosting bats. The proposed development impacts on existing extensions that were identified as having little potential for bats and had no evidence of use. As such it is considered unlikely that bats would have adopted these areas in the intervening period and the findings of the original Phase 1 & 2 Bat & Besting Bird Survey are considered valid.

This has been discussed with the Council's ecologist who has advised that on the balance of risk/proportionality based on the results of the updated survey and that given the proposed works are only affecting the areas identified with limited suitability i.e., extensions to the existing building, the findings of the early ecological reports can be accepted in this instance. This is subject to conditions which require

the development to be carried out in accordance with the mitigation measures and recommendations within the report which include the provision of bat/bird/insect features and the precautionary removal of roofs

On balance, on the basis that there is an extant planning permission on this site for the complete demolition of the buildings and that this proposal is for extensions to the existing building where the previous bat emergence surveys found no evidence of bats or bat roosting, it is considered that subject to the imposition of conditions which require the development to be carried out in accordance with the mitigation measures and recommendations, that the Council would continue to fulfil its legal duties in relation to protected species where it isn't considered that there would be any adverse ecological impacts from the development. The application would therefore comply with policy EN5 of the Local Plan.

Habitat Regulations Assessment:

The site is located in close proximity to the Exe Estuary and the East Devon Pebble bed Heaths Special Protection Areas (SPA's) which provide an important recreational resource for the local community. However, these are sensitive environments which are important to nature conservation and are subject to European wildlife site designations.

Despite the introduction of the Community Infrastructure Levy (CIL) where a proportion of CIL goes towards infrastructure to mitigate any impact upon habitats, contributions towards non-infrastructure mitigation are also required as developments that will impact on a protected habitat cannot proceed under an EU directive unless fully mitigated. Evidence shows that all new dwellings and tourist accommodation within 10 kilometres of the Exe Estuary and/or the Pebblebed Heaths Special Protection Areas (SPA's) will have a significant effect on protected habitats which is reflected in Strategy 47 (Nature Conservation and Geology) of the Local Plan. This proposal is within 10 km of the Exe Estuary and the Pebblebed Heaths and therefore attracts a habitat mitigation contribution towards non-infrastructure at a rate of £367.67 per additional HMO room which has been secured as part of this application.

Arboricultural Impact:

Local Plan policy D3- Trees and Development sites states that permission will only be granted for development, where appropriate tree retention and/or planting is proposed in conjunction with the proposed nearby construction. The council will seek to ensure, subject to detailed design considerations, that there is no net loss in the quality of trees or hedgerows resulting from an approved development. The development should deliver a harmonious and sustainable relationship between structures and trees.

A Horse Chestnut tree in the north western corner of the site is the subject of a Tree Preservation Order and the impact of development on this tree has previously been considered. The proposed extensions to the existing building would not result in any significant impact to the tree having regards to its distance from the development and it's above and below ground constraints. It is however considered necessary to

impose a condition that requires the submission of a tree protection plan and arboricultural method statement to ensure that the tree is adequately protected during construction. Subject to this condition, it is considered that the proposal complies with the provisions of policy D3 of the Local Plan.

Flood Risk and Surface Water Run-off:

Local Plan policy EN22- Surface Run-Off Implications of New Development states that planning permission for new development will require that:

1. The surface water run-off implications of the proposal have been fully considered and found to be acceptable, including implications for coastal erosion.
2. Appropriate remedial measures are included as an integral part of the development, and there are clear arrangements in place for ongoing maintenance over the lifetime of the development.
3. Where remedial measures are required away from the application site, the developer is in a position to secure the implementation of such measures.
4. A Drainage Impact Assessment will be required for all new development with potentially significant surface run off implications.
5. Surface water in all major commercial developments or schemes for 10 homes or more (or any revised threshold set by Government) should be managed by sustainable drainage systems, unless demonstrated to be inappropriate.

Policy EN6 of the Exmouth Neighbourhood Plan states that development proposals must incorporate Sustainable Urban Drainage Systems (SuDS) and a management plan for future maintenance of the drainage system, unless it can be demonstrated that they are inappropriate. New drainage systems must be effective in allowing for surface water management on site and improvement of water quality.

The site does not fall within a flood zone and so the proposed development is not considered to be at risk from flooding. Surface water run-off from the development is proposed to be disposed of by way of existing ground soakaways. A condition is proposed to agree the details of the surface water management.

Planning Balance and Conclusions:

Having taken all of the previous comments into consideration, the NPPF requires Planning Authorities to apply a planning balance, where the social, environmental and economic factors of the scheme are attached relative weight with regard to the guidance of the NPPF and the up to date policies of the Development Plan.

The site has an extant planning permission for the demolition of the existing building and the construction of 9 apartments with a new vehicular access onto Salterton Road and the provision of parking and bin stores. This scheme allowed on appeal would have a far greater impact on the street scene and on neighbour amenity than the development proposed which is complimentary to the existing use of the site.

This brownfield site occupies a sustainable location within the built-up area boundary of Exmouth where the principle of expansion of the existing HMO is considered to be acceptable. The existing building is attractive and makes a positive contribution to the character and appearance of the area and the design, size and scale of the

proposed extensions are considered to be appropriate for the building and the site with little impact on the character and appearance of the area.

Whilst the proposed first floor extension would have a degree of impact on the amenities of the occupiers of surrounding properties as a result of its increase in height, bulk and massing, it isn't considered that an objection could be sustained on the grounds of it being unduly over bearing, over dominant or through loss of privacy which has been designed out of the scheme through windows on side elevations with restricted views out.

In the absence of any significant harm to the character and appearance of the area, the residential amenities of the occupiers of surrounding properties, highway safety and ecology, it is considered that on balance, the proposed development is acceptable and would comply with both the strategic and development management policies contained within the East Devon Local Plan and the policies contained within the Exmouth Neighbourhood Plan.

Accordingly the application is recommended for approval.

RECOMMENDATION

Approve subject to the following conditions:

Time Limit:

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).

Approved Plans:

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.)

Materials:

3. Notwithstanding the submitted details, no development above foundation level shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

(Reason - To ensure that the materials are considered at an early stage and 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.)

Hard landscaping:

4. Prior to commencement of any hard landscaping works, a hard landscaping scheme to include samples and finishes of the materials to be used in the construction of the hard surfaces shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall also give details of any proposed walls, fences and other boundary treatment including details of materials and finishes. The development shall thereafter 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 Policies D1- Design and Local Distinctiveness of the Adopted and emerging East Devon Local Plan.)

Soft Landscaping:

5. No landscaping shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority; such a scheme to identify trees and hedges to be retained and the planting of trees, hedges, shrubs, herbaceous plants and areas to be grassed. The scheme shall also give details of any proposed walls, fences and other boundary treatment. The landscaping scheme shall be carried out in the first planting season after commencement of the development unless otherwise agreed in writing by the Local Planning Authority and shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.

(Reason – 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 New East Devon Local Plan 2013-2031.)

Levels:

6. The development hereby approved shall be carried out in accordance with the ridge heights, finished floor levels and ground levels as shown on drawing no 8601-09A.

(Reason: In the interests of the character and appearance of the area and the residential amenities of adjoining occupiers in accordance with Policy D1 – Design and Local Distinctiveness of the Adopted New East Devon Local Plan 2013-2031.)

Access and Parking:

7. In accordance with the details shown on drawing no 8601-09A visibility splays shall be provided, laid out and maintained for that purpose at the site access where the visibility splays shall provide intervisibility between any points on the X and Y axes at a height of 0.6 metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the

public highway identified as X shall be 2.4 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be 70 metres in a northerly direction and 70 metres in a southerly direction.

(Reason - To provide adequate visibility from and of emerging vehicles in accordance with policy TC7- Adequacy of Road Network and Site Access of the East Devon Local Plan 2013-2031).

8. Prior to first occupation of the development hereby approved, the existing vehicular access shall be stopped up in accordance with the details shown on drawing no 8601-09A.

(Reason - To avoid a proliferation of vehicular accesses onto the highway in accordance with policy TC7- Adequacy of Road Network and Site Access of the East Devon Local Plan 2013-2031).

9. Notwithstanding the submitted details, and prior to first occupation of the development hereby approved, the bin and cycle store shall be provided in accordance with details of the design, materials and finishes that shall have first been submitted to and approved in writing by the local planning authority. The bin stores and cycle stores shall thereafter be constructed in accordance with the agreed details prior to occupation of the new HMO units hereby permitted and remain in perpetuity for their intended use.

(To ensure adequate provision of bin and bike storage on the site in accordance with policy TC9- Parking Provision in New Development of the East Devon Local Plan 2013-2031).

10. No part of the development hereby approved shall be occupied until the access and parking shown on drawing no 8601-09A have been provided and shall be retained thereafter.

(Reason: To ensure that the adequate parking is provided for future occupiers of the development in the interests of highway safety in accordance with policies TC7- Adequacy of Road Network and Site Access and TC9- Parking Provision in New Development of the East Devon Local Plan 2013-2031).

Construction Management Plan:

11. Prior to commencement of development on any part of the site the Planning Authority shall have received and agreed in writing a Construction Management Plan (CMP) which shall include the following information:

(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.

The development shall thereafter be carried out in accordance with these details.

(Reason: To protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution in accordance and in the interests of highway safety in accordance with policies D1 (Design and Distinctiveness) and EN14- Control of Pollution and TC7- Adequacy of Road Network and Site Access of the adopted East Devon Local Plan 2013 - 2031.)

CEMP:

12. A Construction and Environment Management Plan shall be submitted to 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 in accordance with policies D1-Design and Distinctiveness and EN14- Control of Pollution of the adopted East Devon Local Plan 2013 - 2031.)

Tree Protection:

13. Prior to the commencement of any development on site (including demolition), tree protection details, to include the protection of hedges and shrubs, shall be submitted to and approved in writing by the Planning Authority. These shall adhere to the principles embodied in BS 5837:2012 and shall indicate exactly how and when the trees will be protected during the site works. Provision shall also be made for supervision of tree protection by a suitably

qualified and experienced arboricultural consultant and details shall be included within the tree protection statement. The development shall be carried out strictly in accordance with the agreed details.

In any event, the following restrictions shall be strictly observed:

(a) No burning shall take place in a position where flames could extend to within 5m of any part of any tree to be retained.

(b) No trenches for services or foul/surface water drainage shall be dug within the crown spreads of any retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority. All such installations shall be in accordance with the advice given in Volume 4: National Joint Utilities Group (NJUG) Guidelines For the Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2) 2007.

(c) No changes in ground levels or excavations shall take place within the crown spreads of retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority.

(Reason - To ensure retention and protection of trees on the site 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, D2- Landscape Requirements and D3- Trees on Development Sites of the East Devon Local Plan 2013-2031).

Surface Water Drainage:

14. Surface water drainage shall be provided by means of soakaways within the site which shall comply with the requirements of BRE Digest 365 for the critical 1 in 100 year storm event plus 45% for climate change.

If demonstrated that the ground conditions are not suitable for soakaways or will result in an increased risk of flooding to surrounding buildings, roads and land, prior to any development above slab or ground level or creation of any new hardsurface, details of an alternative means of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The details of the alternative means of surface water drainage shall include evidence of how surface water will be dealt with in order not to increase the risk of flooding to surrounding buildings, roads and land. The submitted means of surface water drainage shall ensure that all off site surface water discharges from the development must be limited to the "Greenfield" run off rate for the 1 in 10 year rainfall event with attenuation designed so as there is no risk of flooding to properties or increased risk of flooding to adjacent land for the critical 1 in 100 year storm event plus a 45% allowance for climate change. On site all surface water shall be safely managed up to the "1 in 100 year critical rainfall event plus 45% allowance for climate change" conditions.

The development shall not be utilised until the approved surface water drainage system has been completed as approved and it shall be continually retained and maintained thereafter.

(Reason : In the interests of adapting to climate change and managing flood risk, and in order to accord with the provisions of policy EN22- Surface Run-Off Implications of New Development of the East Devon Local Plan 2013-2031).

Ecology:

15. The development hereby approved shall be carried out in accordance with the recommendations and site enhancement measures contained within the 'phase 1 & 2 bat and nesting bird survey' report prepared by Devon and Cornwall Ecology dated June (updated August) 2021, and the enhancement measures be maintained and retained for the lifetime of the development.

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

Statement on Human Rights and Equalities Issues:

Human Rights Act:

The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance

Equalities Act:

In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

Plans relating to this application:

8601-09 A :	Sections	27.07.23
proposed site		

8601-06 C	Proposed Site Plan	27.07.23
8601-02 F	Proposed Floor Plans	19.05.23
8601-04 D	Proposed Elevation	19.05.23
8601-LP	Location Plan	10.03.23

List of Background Papers

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