

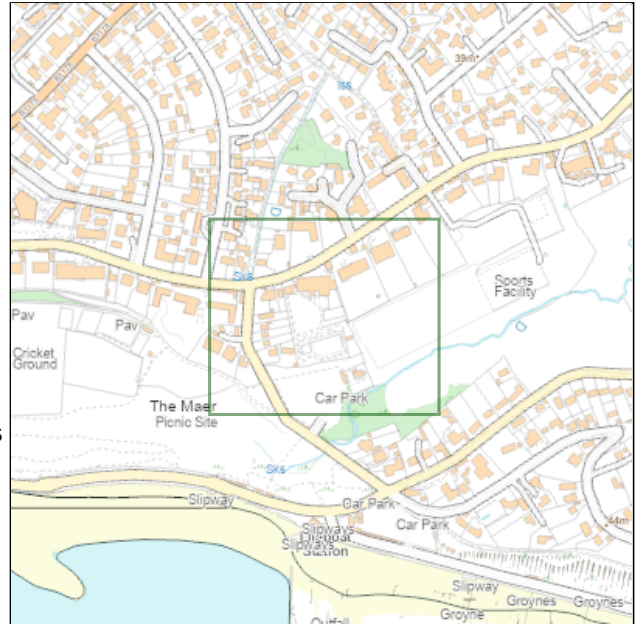
**Ward** Exmouth Littleham

**Reference** 22/1910/MFUL

**Applicant** Mr Azim Lalani

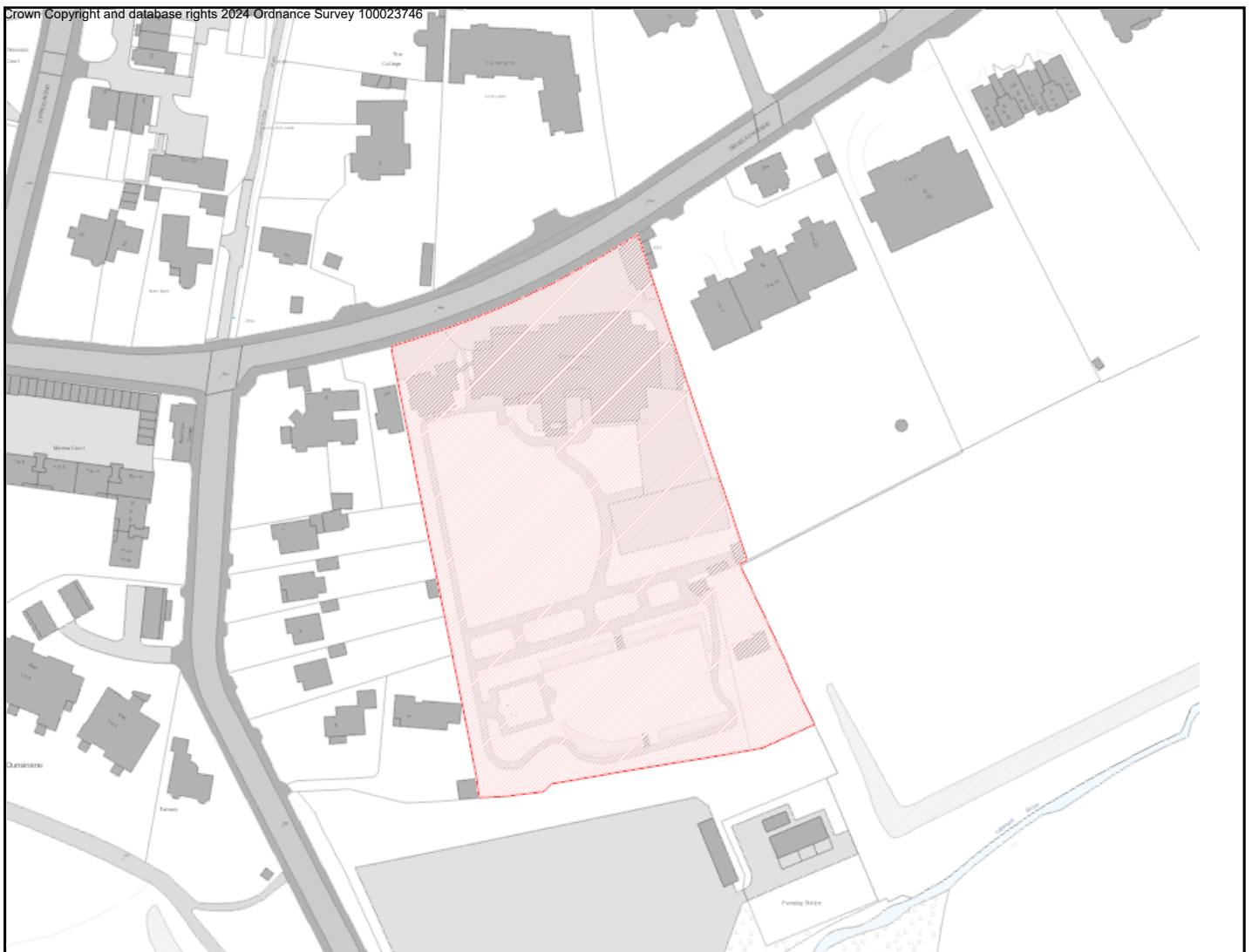
**Location** Devoncourt Hotel 16 Douglas Avenue Exmouth Devon EX8 2EX

**Proposal** Demolition of the existing Devoncourt building and outbuildings, construction of 51 open market and 15 affordable residential apartments and new 65 bed hotel with access via Maer Road car park, associated car parking and landscaping works



**RECOMMENDATION:**

- 1. Adopt appropriate assessment**
- 2. Approval subject to a Section 106 agreement and conditions**



|                                    |   |                                   |
|------------------------------------|---|-----------------------------------|
|                                    |   | <b>Committee Date: 21.05.2024</b> |
| <b>Exmouth Littleham (Exmouth)</b> | <b>22/1910/MFUL</b>   | <b>Target Date: 01.12.2022</b>    |
| <b>Applicant:</b>                  | <b>Mr Azim Lalani</b>   |                                   |
| <b>Location:</b>                   | <b>Devoncourt Hotel, 16 Douglas Avenue, Exmouth</b>   |                                   |
| <b>Proposal:</b>                   | <b>Demolition of the existing Devoncourt building and outbuildings, construction of 51 open market and 15 affordable residential apartments and new 65 bed hotel with access via Maer Road car park, associated car parking and landscaping works</b> |                                   |

**RECOMMENDATION: 1. Adopt appropriate assessment  
2. Approval subject to a Section 106 agreement and conditions**

### **UPDATE TO REPORT**

This application was deferred at the Planning Committee meeting on 23<sup>rd</sup> April 2024 so that Members could undertake a site visit to better understand the relationship of the proposal site with its surroundings including the adjacent residential properties to the east and west of the site and the Council owned carp park to the south.

#### **Parking**

During the discussions at the meeting on 23<sup>rd</sup> April there were many questions relating to use of the public car park to serve the hotel, in consultation with the Council's Car Parks Manager some of the outstanding questions that could not be answered at the meeting are answered below.

#### **Current opening hours of the car park**

The car park is currently closed at night as it was often previously used for anti-social vehicle behaviour, namely that carried out by "boy/girl racers". This type of activity is more common where the car park is particularly quiet.

Vehicles can currently exit the car park at all times via the alligator teeth that allow one way travel out of the car park.

The car park could be open 24 hours if the car parking demand existed. This should be considered in the context that all on-street charges end at 6pm, and therefore there

is free overnight parking directly outside the car park along Maer Road, though the capacity is limited and often used by local dog walkers.

#### What is the typical daily usage of the car park?

There are some graphs provided in appendix 1 to this report that have been helpfully provided by the Council's Car Parks Manager which indicate the daily number of ticket transactions in Maer Road Car Park.

These graphs indicate that on a very limited number of days over the last 3 years ticket sales have exceeded 500 tickets, but predominant daily use is less than 100 transactions per day which indicates that there would be sufficient capacity on most days to accommodate the level of traffic attracted to the 65 bedroom hotel, furthermore when usage is high there is other available parking on Maer Road.

#### Has the use of the car park changed since the playfields have opened?

Comments on this matter have been solely provided by the Car Parks Manager:

*'We have not seen parking demand relating to the playing fields outside of the current opening times of the car park. If we were to change the current opening times, i.e. open the car park later, we may be in the situation where there is not the staffing resource at the required times to close the barrier, and therefore it would remain open at all times, potentially leaving the car park open to ASB.'*

#### Disabled parking

There is disabled parking in Maer Road Car Park but not close to where the hotel is proposed, furthermore, the car park slopes up towards the application site making it difficult for people with physical disabilities to access the hotel. Officers have held discussions with the applicant's agent culminating in the submission of amended plans indicating the inclusion of 4 disabled parking spaces adjacent to the hotel entrance.

#### Additional condition

At the committee meeting on 23<sup>rd</sup> April a verbal update was given regarding the need for the applicant or their agent to enter into a formal agreement with EDDC to provide access over EDDC land to access the hotel service yard, as whilst there is an existing long established pedestrian access from the Devoncourt Hotel's southern boundary there is no existing vehicular access. This agreement would need to be in place prior to commencement of any development on the site. The condition below is recommended for this purpose and also to ensure that access into the car park for guests is available 24 hours a day and disabled parking access is also provided 24 hours a day.

1. Prior to the commencement of development the developer shall provide evidence to the Local Planning Authority that a formal agreement has been entered into with EDDC to secure 24 hour unfettered access into Maer Road Car Park for users of the hotel and from Maer Road car park into the southern

site boundary to service the hotel and access the disabled parking bays, as set out on the approved plans.

Reason: To secure an appropriate mix of development in accordance with Strategy 3 (Sustainable Development and E18 (Loss of Holiday Accommodation) of the East Devon Local Plan and Policy EE3 of the Exmouth Neighbourhood Plan.

## **Drainage**

At the committee meeting on 23<sup>rd</sup> April a verbal update was given regarding South West Water's position on this application, for completeness their comments are now included in the consultee section of this report, with particular reference to the following:

### ***Foul Sewerage Services***

*The storm overflow at the sewage pumping station and the local sewer flooding downstream from the development is being investigated so the issues should hopefully be resolved before the new connection takes place. This site will be included in any assessments for design.*

## **EXECUTIVE SUMMARY**

**This application is before members as the views of a Ward Member and Town Council are contrary to the Officer recommendation.**

**The Devoncourt Hotel lies along the south-eastern side of Douglas Avenue within the existing built-up area boundary of Exmouth, the District's largest town. The site currently comprises a collection of large buildings occupying a relatively long frontage, close to the road, with its extensive landscaped grounds running southwards to where they meet the northern boundary of the large public car park located off Maer Road. The grounds slope gently down to their rear boundary, which is defined by a tree and hedge screen.**

**This application seeks full planning permission for the redevelopment of the entire site which proposes to demolish the existing four storey hotel and replace it with three apartment buildings housing 51 apartments at a similar height, these would be known as the 'northern apartments', a further apartment block containing 15 apartments known as 'southern apartments' would be constructed in the existing landscaped gardens of the Devoncourt, together with a new 65 bedroom hotel with gym and restaurant situated on the southern most part of the site.**

**The principle of redevelopment of existing sites within built up area boundaries for residential purposes is acceptable subject to the impacts of the proposed development being acceptable. The loss of holiday accommodation is a key consideration, however this application proposes to replace the existing offer with something different. Whilst a different holiday offer than currently exists, it is considered that the proposal would accord with Policy E18 of the EDDC Local Plan by continuing the holiday accommodation on site with on site facilities for**

its occupants. To ensure that the holiday accommodation provision retains facilities for Exmouth, it is considered fair and reasonable to impose an early trigger for its re-provision and operation so that the new hotel would be built and capable of use prior to occupation of any of the residential apartment units.

There would be a number of benefits that the proposal would provide, including employment of local trades through the demolition and construction period, provision of 15 units of affordable housing provided on site together with an off-site contribution for 1.5 units, provision of upgraded holiday accommodation for visitors to the town, improvements to the appearance of the site, particularly its frontage onto Douglas Avenue.

Concerns raised regarding the design and layout of the development have been considered however officers finds the design and layout to be acceptable as well as impacts on ecology (with mitigation and compensation measures included in the Ecological Impact Assessment), trees, highway safety and drainage (subject to conditions).

Whilst there would undoubtedly be impacts on the surroundings during the construction period and when first built, it is considered that the design and massing of the building which have been significantly improved through collaborative working with the applicant's agent and the resulting development would assimilate well into its surroundings.

Overall, the benefits of the proposal are considered to demonstrably outweigh the harm and therefore the proposal is recommended for approval subject to conditions to mitigate certain impacts of the proposal.

## **CONSULTATIONS**

### **Local Consultations**

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

Meeting 20.11.23

Objection sustained; the amended plans did not mitigate any of the previous concerns raised in September 2022.

The proposal would still be visibly intrusive and out of keeping from the southern aspect. It was noted that the Urban Designer felt that the lower part of the site was not suited to large-scale development. Its design and appearance was out of keeping and harmful to its sensitive setting. Therefore the proposal was considered to still be contrary to policy EN1 of the Exmouth Neighbourhood Plan Policy EN1 where development is only supported if it would not harm the amenity and environmental qualities within which it is located.

The scale, density of the development was considered to be unacceptable and will have an overbearing impact on adjacent properties on Maer Road. Concerns were raised about the design of the hotel. The problems of scale, massing had not been addressed with serious design failures. It was therefore considered that the proposal did not meet the policy requirement for EB1 of the Exmouth Neighbourhood which

states that development should be mindful of surrounding building styles and ensure a high level of design.

The proposal did not mitigate the loss of the hotel and the associated facilities and members questioned the viability issues cited. The application did not comply with policy EE3 of the Exmouth Neighbourhood Plan or E18 of the East Devon Local Plan.

Exmouth Neighbourhood Plan Policy CF1 does not support the reduction of health and wellbeing facilities. The applicant's provision of a small gym did not mitigate against the loss of the existing facilities.

Concerns remained about exacerbating the existing sewage capacity and the management of surface water run-off. The application should comply with policies EN5 and EN6 of the Exmouth Neighbourhood Plan.

Concern was also raised regarding the sustainability of the development with regards to the amount of embodied carbon emitted and the harm to the biodiversity of the landscape.

Members further expressed their disappointment that the applicant had not engaged further with the District Council's parking manager since an initial brief enquiry.

#### Exmouth Littleham - Cllr Nick Hookway

##### OBJECTION

I consider that this application will be a gross over development of the site. The scale, massing and design of the application are completely unacceptable for this site. I fully support the comments raised in the EDDC report from the Urban Designer. This is a site that requires a sympathetic, nuanced approach to bring out the opportunities that the site presents rather than a modernist, destructive and ill-considered one.

I am gravely concerned by the prospect of the overlooking of neighbouring properties with the subsequent loss of privacy that affected residents in Douglas Avenue and Maer Road will suffer.

The application clearly fails to meet Policy D1 of EDDC Local plan as well as the Avenues Design Statement. The requirement that no more than 25% of the site be built on must apply here.

Vehicle access to the site from the EDDC Maer Road car park will be denied to this application due to the presence of leases that exist on EDDC land. Thereby making the concept of a budget hotel at the lower end of the site unsustainable and unworkable.

In its current form, in my view, the Devoncourt Hotel can be considered "sustainable" in terms of location, environment and the tourism offering. It is likely to benefit from the Dinan Way extension by having improved access for its customers. The site is far enough away from the seafront and is therefore unlikely to be affected by the violent storms that we are now experiencing due to climate change, yet it is in easy walking distance to the beach.

In its present form the site offers a spectacular vista across Lyme Bay with an enviable southerly facing aspect. Exmouth needs an upmarket hotel and the Devoncourt is one of the best locations in the town to make best use of the landscape and environment that is available. I find that the idea of putting a budget hotel on the site unviable due

to the presence of the Devon Cliffs Holiday Park which very successfully caters for this type of market.

There is considerable scope to upgrade the current offering to visitors but that does not justify demolition of the existing buildings and damage to the environment. Why not refurbish?

Within the current Local Plan, the following strategies are also relevant.

E16: Namely the upgrading of existing holiday accommodation will be permitted when following criteria are met in full Section 1 states that the scale, level and intensity of development is compatible with the character of the surrounding area, including adjoining.... settlements.

E17: All sections.

E18: All sections.

Therefore, I find that this amendment for the application fails to address the potential of this site. In my view there is a need for a complete rethink for this site where imaginative design and a sympathetic, nuanced approach to the environmental conditions would be much more appropriate and effective.

These are the facts as I see them at the time of writing. If I am presented with additional information, I reserve the right to amend my views

### **Technical Consultations**

#### County Highway Authority

The re-development if approved, would remove one of the vehicular accesses onto Douglas Avenue, in doing so, forming one vehicular access with an adjoining footpath. This would be an improvement to the highway safety of Douglas Avenue by reducing the junction interaction of egress and ingress vehicular movements together with separating and dedicating access arrangements for pedestrians.

No objections subject to conditions

#### Economic Development Officer

The Economic Development team have reviewed the marketing evidence and the proposed hotel provision included within this application. Although the applicant is proposing the loss of 4 FTE jobs, the net increase in hotels rooms proposed will increase the provision of tourist accommodation and positively impact the local economy. The Economic Development team therefore have no objection to the application as proposed.

#### EDDC District Ecologist

No objections subject to conditions

#### Campaign To Protect Rural England

Devon CPRE objects to the proposal, and are really disappointed to see that the majority of fundamental points we raised previously to application ref 21/0821/MFUL have not been addressed by this resubmission.

- Insufficient Information
- Failure to deliver high quality placemaking

- Failure to deliver quantifiable biodiversity net gain and outdated information
- Failure to address Sustainability?

## Conclusion

The community have already highlighted the departure of this proposal from local planning policy including their own Neighbourhood Plan. The scheme does not demonstrate delivery of a sustainable development, ignoring opportunities to secure net gains across the different objectives of sustainable development, contrary to both local and national planning policy.

The application should therefore be refused.

## Housing Strategy/Enabling Officer - Cassandra Harrison SUPPORT

Percentage of Affordable Housing - under current policy Strategy 34, a requirement for 25% affordable housing is required.

Exmouth is our area of greatest housing need in East Devon, with over 1000 households on our housing register requiring 1 or 2 bedroom accommodation.

## Police Architectural Liaison Officer - Kris Calderhead

Thank you on behalf of Devon and Cornwall Police for the opportunity to comment on the revised plans of this application. I would like to make the following comments and recommendations for consideration.

I welcome the reference to Designing out Crime within the Design and Access Statement (DAS) and support that such principles have been embedded into the scheme. I also appreciate that a number of recessed spaces in the design of the north apartment block have been removed in the latest design.

Some concerns still remain

## EDDC Trees

I have viewed the Arboricultural report from Advanced Arboricultural dated 24.08.2022 including AIA, TCP and TPP, and Landscaping strategy (642-sk04; 29.03.2021) provided by Redbay Design. In principle I have no objection to development of the site.

Conditions recommended if the application is recommended for approval.

## EDDC Landscape Architect

Overall, the amendments are not substantive and most of the issues identified in my previous landscape response dated 26.10.2022 have not been addressed. As such my objection to the proposals stands as contrary to Local Plan policy D1 (Design and local distinctiveness)



Royal Society For The Protection Of Birds

No objections subject to a condition requiring provision of bat/bird boxes throughout the development.

Environmental Health

I recommend approval with conditions

Contaminated Land Officer

I recommend approval with conditions

DCC Flood Risk Management Team

Recommendation:

Our objection is withdrawn and we have no in-principle objections to the above planning application at this stage, assuming that pre-commencement planning conditions are imposed on any approved permission

South West Water

No objection subject to the surface water being managed in accordance with the submitted drainage strategy. The applicant/agent is advised to contact South West Water if they are unable to comply with our requirements as detailed.

The storm overflow at the sewage pumping station and the local sewer flooding downstream from the development is being investigated so the issues should hopefully be resolved before the new connection takes place. This site will be included in any assessments for design. The practical point of connection will be determined by the diameter of the connecting pipework being no larger than the diameter of the company's existing network.

Urban Designer

General comments

- High levels of parking provision given the location close to a well-served town centre that has a mainline rail link and a site where three bus routes (95, 97, 357) pass directly in front of the main entrance.
- Low levels of cycle storage throughout given the proximity of the town centre and easily accessible, high quality, safe, almost entirely off-road cycling infrastructure to Budleigh Salterton and Exeter through to Dawlish.
- Unnecessary design choices add complexity, expense, reduced thermal and operational efficiency without adding benefit or value.

Concerns over the design of the project still remain and on this basis recommend refusal.

NHS Local

No objections subject to contributions towards primary care to be secured through a legal agreement

Other Representations

At the time of writing this report 184 representations have been received as a result of this application, raising the following concerns:

- Impact on the character and appearance of the area;
- Great weight should be given to the Avenues Design Guide;
- Overdevelopment of the site;
- Increase in traffic on local roads;
- Construction traffic impacts;
- No room for construction worker parking
- Impact on drainage network which already struggles and pollutes the sea;
- Bats use the site;
- The Car Parks Manager needs to be consulted;
- Overlooking from balconies;
- Overbearing;
- The hotel would be visually intrusive;
- The existing hotel should be redeveloped as a new hotel;
- Loss of leisure facilities for local people;
- Impact on local infrastructure services including doctors and dentists;
- Noise and dust disturbance from construction;
- Impact on mature trees;
- No need for more housing in Exmouth;

## **PLANNING HISTORY**

| <b>Reference</b> | <b>Description</b>   | <b>Decision</b>          | <b>Date</b> |
|------------------|--|--------------------------|-------------|
| 13/1190/MFUL     | Construction of 14 no. holiday apartments and raising of ground levels to create garden with retaining wall and extension to existing car park.  | Approval with conditions | 19.12.2013  |
| 21/0821/MFUL     | Demolition of the existing Devoncourt building and outbuildings, construction of 81 no new residential apartments (25% affordable) and new 62 bed hotel with access via Maer Road car park, associated car parking and landscaping works | Withdrawn                | 03.12.2021  |

## **POLICIES**

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

Strategy 43 (Open Space Standards)

Strategy 3 (Sustainable Development)

Strategy 5 (Environment)

Strategy 34 (District Wide Affordable Housing Provision Targets)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

E18 (Loss of Holiday Accommodation)

EN22 (Surface Run-Off Implications of New Development)

EN5 (Wildlife Habitats and Features)

EN14 (Control of Pollution)

EN16 (Contaminated Land)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

#### Government Planning Documents

NPPF (National Planning Policy Framework 2023)

National Planning Practice Guidance

#### Neighbourhood Plan

Exmouth Neighbourhood Plan (Made) – EB2, EE3

#### Site Location and Description

The Devoncourt Hotel lies along the south-eastern side of Douglas Avenue within the existing built-up area boundary of Exmouth, the District's largest town. The site currently comprises a collection of large buildings occupying a relatively long frontage, close to the road, with its extensive landscaped grounds running southwards to where they meet the northern boundary of the large public car park located off Maer Road. The grounds slope gently down to their rear boundary, which is defined by a tree and hedge screen. The agent has advised that the existing hotel is run on a time share basis and contains bedrooms and apartments, together with a range of on-site leisure and recreational facilities, including gym and outside heated swimming pool.

There are neighbouring residential units to the east and west of the proposal site, to the east lies an apartment building and to the west lies a single dwelling house in the northern part of the site, with a further handful of dwellings having their rear gardens backing on to the western boundary of the site.

The hotel is served by two existing accesses off Douglas Avenue which provides access to a small number of parking spaces at the front of the building and a small parking area to the rear of the building served by a single track road hugging the eastern boundary of the site.

### Proposed Development

This application seeks full planning permission for the redevelopment of the entire site which proposes to demolish the existing four storey hotel and replace it with three apartment buildings housing 51 apartments at a similar height, these would be known as the 'northern apartments', a further apartment block containing 15 apartments known as 'southern apartments' would be constructed in the existing landscaped gardens of the Devoncourt, together with a new 65 bedroom hotel with gym and restaurant situated on the southern most part of the site.

The 'southern apartments' building would be 2.5 storey and follow the general gradient of the site, with the access into the apartments via a pathway along its northern side. The apartments would have bedrooms and en-suite on their northern side, a central kitchen and bathroom and a lounge/dining room and patio facing the retained grassed and landscaped lower part of the existing grounds of the hotel to the south.

New retaining walls are required either side of the ornate gardens

The application is accompanied by an arboricultural report which includes a method statement showing construction exclusion zones and supervision zones.

It is also accompanied by Heads of Terms covering contribution of £367.62 per unit towards measures to mitigate the impacts of the development upon the Exe Estuary Special Protection Area and Pebblebed Heaths Special Protection Area and securing 25% on site affordable housing.

### **Main considerations**

The main considerations in the determination of this application relate to :

- the principle of the proposed development, including the replacement of the hotel facility
- affordable housing
- the impact of the proposed development on its surroundings
- the impact on residential amenity
- the impact on highway safety and parking
- the impact on existing trees
- ecology, including habitats regulations assessment; and
- drainage

## **Principle of Development:**

The site is located within the built-up area boundary of Exmouth in a sustainable location with good access to services and facilities to support daily living including access to a range of employment opportunities and public transport, with good links to further afield settlements, where the principle of residential development is supported under the provisions of Strategy 6- Development within Built-Up Area Boundaries of the East Devon Local Plan subject to the impacts of the proposal being acceptable in relation to other policies contained in the plan together with any relevant material considerations.

It is also important to consider the loss of/redevelopment of holiday accommodation on site. The Devoncourt has been a long established destination for holiday makers over recent decades primarily as a traditional hotel and latterly as timeshare accommodation, its loss would diminish the tourism offer to those wishing to stay in the resort. Policy E18 of the EDDC Local Plan sets out the considerations in the principal holiday areas of East Devon, including Exmouth, where holiday accommodation is proposed to be lost:

### *E18 - Loss of Holiday Accommodation*

*The proposals for change of use or redevelopment of hotels and other holiday accommodation in the seaside resorts of Exmouth, Budleigh Salterton, Seaton and Sidmouth will not be permitted unless the holiday use is no longer viable and/or the new use will overcome clear social, economic or environmental problems associated with the current use.*

*Permission for change of use will not be permitted unless it can be clearly demonstrated that there is no longer a need for such uses and that the building or site has been marketed for at least 12 months (and up to two years depending on market conditions) at a realistic price without interest.*

However, this proposal does not seek the total loss of holiday accommodation on the site, it seeks to replace the 54 bedrooms holiday apartments/bedrooms with 65 new build holiday bedrooms each with en-suite facilities, therefore on the face of it there would be an uplift in the number of rooms available to the general public.

It is acknowledged that the current hotel building occupies a much larger footprint than the building proposed to replace it and internally has a broader range of accommodation including restaurant, gymnasium, bedrooms with their own cooking facilities and outside pool with landscaped gardens. The proposed hotel would have smaller restaurant and gym but offers no cooking facilities in the rooms and there would be no swimming pool. There has been a change in holiday attitudes over the decades with the single point hotel destinations in decline, travellers are much more likely to use local facilities in the settlements where they stay rather than eating at their hotel, Exmouth offers a broad range of restaurants and cafes within easy walking distance of the application site. Furthermore, trends have shown that UK based holidays are often shorter than previously with the rise of weekend and shorter breaks.

The success and occupancy rates of the relatively recent Bath Hotel site's redevelopment to a Premier Inn highlights the changing nature of UK based holidays. The proposed hotel would occupy a good position in relation to arguably one of Exmouth's most prized possessions, its beach, where visitors would have good and easy access to it and the recently completed watersports centre.

*Notwithstanding that there is no requirement to market the hotel for sale, a marketing effort has taken place over an extended period without any success, the Economic Development team have reviewed the marketing evidence and the proposed hotel provision included within this application. Although the applicant is proposing the loss of 4 FTE jobs, the net increase in hotels rooms proposed will increase the provision of tourist accommodation and positively impact the local economy. The Economic Development team therefore have no objection to the application as proposed.*

Accordingly, whilst a different holiday offer than currently exists, it is considered that the proposal would accord with Policy E18 of the EDDC Local Plan by continuing the holiday accommodation on site with on site facilities for its occupants. To ensure that the holiday accommodation provision retains facilities for Exmouth, it is considered fair and reasonable to impose an early trigger for its re-provision and operation so that the new hotel would be built and capable of use prior to occupation of any of the residential apartment units should the application be approved.

### **Affordable housing**

The application in its heads of terms indicates that the proposal would provide 25% affordable housing which is the provision that the current Local Plan seeks on sites within built up area boundaries, these 15 units would be provided in two conjoined blocks with the rented units on one side and the shared ownership units on the other side which is considered to be in line with the requirements of affordable housing providers in terms of their management. Due to the constraints of the site and the requests of Officers to reduce the scale and quantum of development within the southern apartment blocks it would be necessary to seek a payment for the 1.5 units that make up the 25% ( $66 \times 0.25 = 16.5$ ) to be provided off site, this payment would equate to £17,388.50

The Council's Housing Enabling Officer has the following comments to make:

#### **SUPPORT**

*Percentage of Affordable Housing - under current policy Strategy 34, a requirement for 25% affordable housing is required. The applicant is proposing to provide 15 units and this is acceptable.*

*Exmouth is our area of greatest housing need in East Devon, with over 1000 households on our housing register requiring 1 or 2 bedroom accommodation.*

*Tenure - Strategy 34 sets a target of 70% for rented accommodation (social or affordable rent) and 30% for affordable home ownership. For the proposed 15 units, this would amount to 10 rented units and 5 units for affordable home ownership. The*

*rented units should be provided as Social Rent as this is more affordable to local incomes in East Devon.*

*Housing Mix and Layout - the applicant is proposing the following mix:*

- o 1 x 1 bed, 2 person flat Affordable Rent*
- o 9 x 2 bed, 4 person flats Affordable Rent*
- o 5 x 2 bed, 4 person flats Shared Ownership*

*The Architects have designed the affordable housing to be delivered in a separate block to the open market units which is an improvement on the previous application. A separate block is what Registered Providers would require. The single block has the rented units on one side, separated by a stairwell with the Shared Ownership units on the other side. This is acceptable.*

*The flats all meet national space standards. All affordable units should also meet M4(2) standards as per our adopted SPD.*

*The Exmouth Neighbourhood Plan adopted Policy H1 states: "there is a presumption in favour of Accessible and Adaptable homes, to ensure a balanced housing stock for a range of age groups within the town." Also adopted policy HA4: "For relevant organisations to ensure the provision of one-bed properties to meet the evidenced need of residents below retirement age."*

*Parking - the design and access statement states that the 1 bedroom flat will have 1 parking space and the 2 bedroom flats will have 2 parking spaces. There needs to be suitable provision for visitor parking to avoid overflow parking in neighbouring streets. Secure cycling storage is also needed to encourage safe, sustainable travel.*

*Council Plan 2021 - 2023 - East Devon District Council wants to increase access to social and affordable homes and this is one of the Council's highest priorities. This application will provide 15 affordable homes, so will help us to meet this priority.*

Accordingly, subject to securing the tenure and occupations in perpetuity together with the offsite contribution to be spent on affordable housing projects in the locality, the proposal is considered acceptable in relation to Strategy 34 of the EDDC Local Plan.

### **Impact on surroundings**

The application site occupies a prominent position in the townscape especially when viewed from 'The Maer' and on approach from the seafront, the land slopes up from the south such that the four storey wide-ranging building creates a substantial mass on the skyline, adjacent to other similarly sized and scaled buildings to the east. The existing hotel and outbuilding create a wide expanse of development when viewed from Douglas Avenue also. All the plots on this side of the avenue have buildings on the road edge only, leaving the remainder of the plots open. This helps to maintain this avenue as the edge of the built-up area and reduces the visual intensity of development along this edge. Views up from the sea are relatively green making this a gradual visual introduction to the town rather than a wall of buildings. At the end of these plots is an area of open fields with established hedgerows that the Exmouth

Neighbourhood Plan has identified as a future valley park. Beyond the park is the seafront.

The site lies with 'The Avenues' part of Exmouth where historically there has been a greater emphasis on design and a supplementary planning document entitled 'The Avenues Design Guide' was produced in an attempt to aid developers in bringing sites forward in a consistent manner so that the character and appearance of the area could be maintained and enhanced. Whilst this design guide is now a number of years old and planning policies have evolved and moved forward to a be less prescriptive, Policy EB2 of the Exmouth Neighbourhood Plan still places an emphasis on the aforementioned document in terms of its design principles.

Significant concerns have been raised by a Ward Member, Town Council and local residents regarding this development, which is expected as the proposed demolition of an historic hotel that is a prominent feature and lives long in the memory of local inhabitants would represent a significant change in the character of the area that has been present for a significant period of time over the town's history. That does not mean that change cannot take place, however, any changes/redevelopment that do take place should be carefully considered in terms of their design and the impact on the character an appearance of the surroundings.

In this regard it is important to look in detail at the proposed design and the impact that the redevelopment would have on its surroundings under the two headings below.

### *Design and layout*

#### Density of Development:

One of the foremost reasons for objection to the proposed development is overdevelopment of the site, commentators have quite rightly referenced Policy EB2 of the Neighbourhood Plan and its links to the Avenues Design Statement of 2005:

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

Specific comments make reference to the 'Design Statement for the Avenues' guide where Recommendation 6 notes an aspirational development density of 25% of the site area. The aim of which is to maintain a balance between buildings and greenery. The calculation is to include garages and hard surfaces.

The proposed development moves a significant portion of the parking to a basement below the proposed Northern Block of apartments. This allows for a newly created, landscaped green space to be formed at the frontage to Douglas Avenue including the removal the existing hard surfaced car parking and of one of the existing access points to the site. Throughout the remainder of the site the parking spaces would be formed from 'grasscrete' or an equivalent free draining and planted surface. This would allow tree rooting below the parking spaces. Footpaths would be in gravel or an equivalent draining finish. Flat roofs are in an extensive sedum roof.



When calculated on the basis of the footprint of the North and South Block of apartments (including green roof), hotel and tarmac hard surfaced roads the development coverage has been calculated by the applicant's agent as follows:

Site Area (red line boundary) = 14,135 sqm  
North Block area (excludes balconies) = 1,631 sqm  
South Block area (excludes balconies) = 710 sqm  
Hotel = 757 sqm  
Road & Hotel service Yard = 2,741 sqm  
Total Built up hard surface = 5,839 sqm  
Percentage site coverage = 41.31 %

Whilst 41.31% site coverage is greater than the aspirational 25% stated in the 'Design Statement for the Avenues' the increase is a lot lower than some of the comments that have been provided. Through negotiations with the applicant's agent the site coverage has been significantly reduced, parking surfacing has been amended and additional landscaped areas have been provided. Overall, it is considered that the site represents a transition between the smaller plots fronting onto Maer Road and the larger plots served by Douglas Avenue such that it is relatively unique in its formation as a consequence it is considered that some development of its extensive landscaped grounds would provide the town with much needed affordable accommodation and a much more fit for purpose tourism accommodation offer. It must also be noted that a number of the surrounding plots fronting onto Douglas Avenue have significantly more than 25% of their plots developed either because the building(s) were there prior to the policy being introduced or they have been granted planning permission for extensions and/or separate buildings in the curtilage.

Therefore, on balance it is considered that the density of the proposed development strikes an important balance between maximising the best use of land in sustainable locations whilst respecting the existing settlement pattern and character and appearance of a prominent plot in the townscape. Specific commentary on its impacts will follow later in this report.

### Scale of the proposed buildings

The existing hotel comprises a four storey red brick block under a slate roof with a consistent design and proportions, though due to its length it creates a significant scale and mass from the Douglas Avenue streetscene with little design relief or landscaping to break it up. It is proposed to demolish the existing building and erect a similar scale of buildings with four stories, although these would be broken up into three distinct buildings each with their own character but a consistent theme. The middle building of the group of new buildings would be set back from the road frontage and create a stepped frontage to add interest and soften the scale when viewed from the north; this would be further assisted by creating more space to provide a meaningful landscaped frontage.

The southern apartment building would be three stories in height, however, their ground floor would be set into the existing slope. The existing ground level where the existing landscape gardens exist would be lowered in excess of 2 metres such that from the outside of the site these apartment buildings would appear as two stories in

height. A significant amount of time has been spent by officers negotiating the scale of the southern apartment buildings, such that over the lifetime of this application a floor of apartments has been removed and the number of apartments significantly reduced, comments from the Council's Landscape Architect and Urban Designer have been crucial in explaining the level of harm that this area of the site would create when looking from the surrounding area including 'The Maer', but also in creating an acceptable transition between the seafront and existing built development to the north.

The proposed hotel has also been the subject of negotiation in terms of its scale and impact, various iterations of design have been produced which created a significant mass and bulk which would have had an awkward juxtaposition with the proposed smaller scale residential units contained in the Southern Apartment building, such that a bespoke design approach has now been employed, which creates a building of interest that would be of a more consistent scale for this part of the site.

Overall, on balance, it is considered that the scale of the proposed buildings on site are appropriate for their location in accordance with Policy D1 of the EDDC Local Plan.

### Design

The design and access statement submitted with the application details the design evolution together with amendments that have been made following negotiations with planning officer and the urban designer. The prominent position of the site and amount of local interest in the redevelopment of the site mean that the subjective issue of design is likely to be the most contentious issue and one that people interpret in different ways.

The Avenues area of Exmouth has witnessed increasing pressure for redevelopment and new development over recent years, not least for larger apartment buildings which maximise views towards the sea, a wide variety of building styles and roof forms are therefore present in the local area. The application site already has a large building upon it which enjoys expansive views of the bay. The use of a consistent palette of materials but with different design elements including a stepped frontage and varying roof forms would add character and interest to the front elevation of the northern apartment block echoing some of the design styles of the larger residential buildings in close proximity to the site. Issues of internal layout of the building raised by the Council's Urban Designer have largely been resolved. Window positions have been amended and innovative features added to prevent overlooking of neighbouring properties without diminishing the design (amenity impacts are addressed later in this report)

The southern apartments buildings are more simplistic in their form and have been amended so that they are very similar in their appearance to each other to create a more cohesive design set within the open space, a play area has been added adjacent to the affordable units that has natural surveillance and would be a benefit to the proposal.

The hotel would have a bespoke design, at the request of officers and particular input from the urban designer the proposal now represents more a landmark building that creates a sense of place adjacent to the Council's car park rather than simply

replicating the design of a hotel that could be found anywhere in the country with simplistic materials and little thought to detail. A gymnasium has been added with an internal cafe/restaurant to provide facilities for guests attracted to the site.

Accordingly, with significant amendments made to the design of both the residential and hotel elements of the scheme, it is considered that the design would assimilate well into its surroundings by not creating a pastiche building but employing clever design cues that would add interest and break up the mass of the building, this is a significant improvement over the existing hotel building on the site would be a benefit to the built environment locally. For these reasons it is considered that the proposal would accord with Policy D1 of the EDDC Local Plan and Paragraph 136 and 137 of the NPPF.

### Landscaping

The proposal seeks to remove the extensively landscaped gardens of the existing hotel, which is regretful, however, a comprehensive landscaping scheme has been submitted with the application to assist in mitigating for the loss and provide an overall enhancement in the quality of the landscaping together with its management into the future. A substantial benefit of the proposal would be the removal of the car parking and hard landscaping to the front of the existing hotel and replacing it with green open space and appropriate planting. Improvements and enhancements to the existing green boundary with nos. 1 to 11 (inclusive) Maer Road will both help to screen the development but further encourage the commuting and foraging bats in the area, conditions relating to keeping this area of the site a 'dark corridor' would assist in retaining the protected species in the area. The southern area of the site already benefits from good landscaping and mature trees which would be retained as a result of this proposal, additional planting would be required as detailed in the landscaping scheme plans submitted with the application.

The landscaping scheme has been reviewed by both the Landscape Architect and Arboricultural Officer, they are content to support the principle of the scheme but require more details which can reasonably be provided by condition. Comments on the trees on the site will follow later in this report.

Accordingly, subject to appropriate conditions for additional details, the proposal is considered acceptable in relation to Policy D2 of the EDDC Local Plan.

### **Impact of the development on its surroundings**

There is no contention that the proposed redevelopment of the Devoncourt site would not have an impact on its surroundings, not least because there would be an overall increase in the amount of development on site and increased activity around the site through the introduction of a more concentrated holiday offer and the number of potential residents that could occupy the site. The removal of the extensive landscaped garden would also make the site more visible in its immediate surroundings.

The foremost public views (the impact on private residential properties is addressed later in this report) of the site that would be altered as a result of this proposal would

be from Douglas Avenue and from 'The Maer' and seafront, each of these will be addressed in turn.

### Douglas Avenue

The existing building is four stories high and creates a large mass of building of the same materials and a relatively consistent height, where as the proposal seeks three separate buildings along the frontage that would be of varying height (but not higher than the existing hotel), using a wider variety of materials and roof forms with a stepped layout. The impact upon the streetscene would largely be detrimental to views during the demolition and construction period as it has a long frontage and is readily visible for long sections of this part of Douglas Avenue, following construction the proposed building are considered to have an improved impact on the streetscene creating buildings with interest and raising the design quality in the area, furthermore the proposed area of open space, in place of the existing car park, would add some improved biodiversity to the local area.

### The Maer and seafront

There are long distance and far reaching view towards the application site from the seafront and particularly 'The Maer', chiefly these views are of the existing hotel and it lies in a prominent elevated position when looking north from this area. The lower part of the site is not readily visible from these areas as there is currently no development on this part of the site, however, some of the larger trees' canopies are visible such that the introduction of the built for of the southern apartment buildings and the hotel are also likely to be visible. the Council's Landscape Architect originally raised some serious concerns regarding the impact that the southernmost buildings would have on views from 'The Maer' this was due to their height and massing which would urbanise the lower part of the site and create visual harm when viewed from longer distances, amended plans have subsequently been received lowering the ground levels of the southern apartment blocks and removing the fourth floor which is considered to significantly reduce their impact and also their visibility from longer distances, substantially reducing their harm on the surroundings.

In a similar vein concerns were raised by the Landscape Architect and Urban Designer regarding the form, mass and bulk and overall height of the proposed hotel, together with its poor design. As previously explained a bespoke design of hotel has been provided which seeks to use different coloured materials to assist in the structure blending it into its surroundings, it would still have an impact, however not all impacts are harmful impacts. The position in relation to the Maer Road car park creates a new active frontage onto the car park on what is the district's largest town and principal tourism location such that its position and design is considered to create a landmark building which would enhance the character and appearance of this part of the site and maintain a viable hotel offer in the town.

Accordingly, whilst there are likely to be some initial harmful impacts especially during the construction period, it is considered that the completed development would raise the quality of design in the local area and continue a viable holiday accommodation use whilst providing much needed housing in the area, particularly affordable housing.

## **Impact on residential amenity**

Policy D1- Design and Local Distinctiveness of the Local Plan states that proposals will only be permitted where they do not adversely affect the amenity of occupiers of adjoining residential properties. The application site is bound by residential properties on its eastern and western sides.

A number of two storey detached properties 1-11 Maer Road and their rear gardens back onto the site's western boundary.

No 14A Douglas Avenue is a detached two storey dwelling to the west which shares a close relationship with the existing building and site . The side elevation of no 14A faces the existing building on the site and has a number of windows and openings on its eastern elevation. Devoncourt has a number of windows on its western elevation facing towards no 14A.

Blair Atholl, no 20 Douglas Avenue is a 4 storey apartment building to the east which shares a close relationship with the building and the site. Blair Atholl has a number of windows on its western elevation facing the site.

An assessment of the impacts on the residential amenity of the occupiers of these properties is provided as follows:

### 14A Douglas Avenue

This two storey dwelling shares a very close relationship with the existing Devoncourt building with its side elevation running parallel to the side of Devoncourt. The property occupies a lower level than the application site and has a number of ground and first floor windows facing towards it. The side elevation of Devoncourt also has a number of windows facing towards no 14A and 1st, 2nd and 3rd floor level.

Officers have worked with the applicant to reduce the footprint, bulk and massing of the apartment block nearest to no 14A which has resulted in a reduction in the rear projection of the building to 4.5 metres beyond the rear elevation of the property at 3 storey level. Whilst it is accepted that this would result in a degree of additional physical impact on the occupiers of this property, given the distance of the built form from the boundary of the property which would be 3.6 metres, it is considered that the impact would not be so significant in terms of being unduly overbearing or over dominant to sustain an objection. No 14A is orientated with its rear elevation facing south such that there would be no significant loss of light or overshadowing.

It is also important to note that there would be a significant improvement in terms of mutual overlooking between the two buildings. At present the side elevation Devoncourt has a number of windows facing the windows of no 14A. In addition there are a number of rear balconies on the rear of Devoncourt which offer unrestricted views towards the rear garden of no 14A with no privacy screens in place.

The side elevation of the apartments facing no 14A has been designed to improve the relationship between the two buildings. Whilst there will be windows on the western elevation, these have been purposely designed to ensure that views out would be angled away from no 14A facing towards Douglas Avenue and the rear of the site, avoiding direct overlooking of the property and its garden. Balconies on the rear elevation of the apartment block and from a reduced outside terrace area to apartment 47 would be fitted with obscure glazed privacy screens which would ensure that views out towards no 14A and its rear garden are prevented.

Whilst the additional rear projection of development on the site would result in a degree of additional physical impact, Officers consider that the improvements in the relationship between the site and 14A in respect of overlooking and privacy would outweigh the additional harm caused.

#### Blair Atholl:

Blair Atholl is a 4 storey apartment block to the east of the site which shares a close relationship with the Devoncourt site and building, again with a number of windows facing towards one another. The angled window design on the eastern elevation of the apartment block has been replicated which would ensure that views from the windows would be directed away from the windows on the Blair Atholl building and would improve the existing relationship between the two. Balconies closest to the boundary with Blair Atholl would be fitted with obscure glazed privacy screens which would further improve the relationship between the two sites.

The footprint of the apartment block would be positioned further away from the boundary with Blair Atholl which would reduce the overall physical impact of the building, its stepped design would help to reduce the bulk and massing of the building.

The 4th floor of the apartment block does include a flat roofed area which is not intended to be used as outside amenity space. Given the relationship between the upper floor windows on Blair Atholl, officers do not consider use of this flat roofed area to be acceptable as amenity space and therefore it is considered necessary and reasonable to impose a condition which prevents the use of this flat roofed area.

#### 1-11 Maer Road:

The southern part of the site is currently free from development such that the introduction of the southern block apartments and hotel will change the character of the site from landscaped grounds to residential and part commercial which would have a degree of impact on the amenities of the occupiers of the properties on Maer Road whose rear elevations and rear gardens face towards the application site.

The proposed hotel is considered to be located a sufficient distance from the rear gardens of these properties not to have any impact on the occupiers living conditions in terms of its physical impact or its operation in the longer term.

The relationship between the southern block of apartments has been carefully considered and the scheme has been amended to address officer concerns about the relationship between the southern apartment blocks and the properties on Maer Road.

The elevations and cross sections demonstrate how the ground levels on the southern part of the site would be reduced which would significantly lower the southern apartment blocks into the site which would help to reduce the overall physical impact of the building. The apartment block would be positioned 9.0 metres from the boundary of the properties on Maer Road which is defined by a vegetation and a brick boundary wall.

The western elevation of the apartment block has purposely been designed with angled windows which would direct views to the north and south of the site and provide no opportunities for overlooking to the rear gardens of these properties. Obscure glazed screens are proposed to balconies on the rear elevation of the apartments which would also prevent overlooking and loss of privacy to the rear gardens of properties on Maer Road.

On balance, whilst introducing residential development to the southern part of the site and built form would result in a degree of impact on the amenities of the properties on Maer Road, having regard for the length of the rear gardens, the distance of the apartments from the boundary, lowering the building into the site and the angled design of the windows facing the western boundary, it isn't considered that the southern apartment block would result in significant harm to the amenities of the properties on Maer Road in terms of its physical impact or being unduly overbearing or over dominant, loss of light or loss of privacy to sustain an objection.

The juxtaposition of the residential southern block of apartments and the hotel has been the subject of negotiations with the applicant's agent and has resulted in a number of units being removed from the application due to the potential noise and overlooking conflicts, the revised positioning of the two buildings and the location of the stairwell of the residential element closest to the storage elements in the hotel is considered to be an acceptable relationship. However, as the hotel proposed a restaurant/cafe at ground floor there is likely to be a need for extraction units, the positioning of these has not been indicated on the plans, to safeguard the living conditions of future residents it is considered necessary to impose a condition for the details of such equipment to be submitted before the hotel is brought into use.

Subject to conditions which require the provision of privacy screens to balconies and outside terrace areas on apartments closest the boundaries with the properties on Maer Road, 14 Douglas Avenue and Blair Atholl and the submission of a Construction Environment Management Plan to control hours of working, noise and dust etc and reduce the impacts of construction on residential amenity, the proposed development is considered to be acceptable in terms of its impacts on the residential amenities of the occupiers of surrounding properties in accordance with Policies D1 and EN14 of the EDDC Local Plan.

### **Impact on highway safety and parking**

The existing hotel is served by two accesses onto Douglas Avenue which provides access to two small areas of parking, one at the front of the hotel and the other at the rear with a total of 35 spaces serving the 54 bedrooms and leisure facilities such that local car parks and on street parking in the accommodate the surplus traffic attracted

to the site. One of the accesses onto the highway would be closed as a result of this proposal.

It is proposed to remove the area of parking at the front of the hotel and instead divert all traffic attracted to the site to the rear of the buildings. The majority of the parking for the northern block apartments would be provided in a subterranean car park (67 spaces) with some outside spaces (34 spaces) and the parking for the southern block apartments would be provided to their rear and to the east to the rear of the proposed hotel (35 spaces). Overall for the residential elements of the scheme there would be 136 spaces serving the 66 residential units which equates to in excess of the 2 parking spaces per unit for 2 bedrooms or more and 1 parking space for 1 bedroom units which exceeds the policy requirements of Policy TC9 of the EDDC Local Plan.

Devon County Highways Engineer has the following comments to make:

*'The re-development if approved, would remove one of the vehicular accesses onto Douglas Avenue, in doing so, forming one vehicular access with an adjoining footpath. This would be an improvement to the highway safety of Douglas Avenue by reducing the junction interaction of egress and ingress vehicular movements together with separating and dedicating access arrangements for pedestrians.'*

*'Each dwelling unit will have at least two dedicated parking spaces thereby reducing any impact upon on-street parking within the highway network, together with sufficient space for off-carriageway turning so that vehicles are re-entering the carriageway in a forward facing motion. The vehicular access can obtain 43m visibility in both the east and west direction, meeting our current best practice guidance, Manual for Streets 1 and 2. The proposed service access of the hotel will be from the Maer Road car park subject to an agreement with EDDC, whilst maintaining the existing pedestrian access. Due to the nature of the car park, vehicle speeds should be low. There is a proposal under discussion to utilise some of the spaces in Maer Road car park for the hotel use, this would however would be on equal footing to members of the public, reducing the impact from displacement.'*

There would be no parking spaces provided on site for the hotel, save for temporary delivery parking. It is envisaged that the majority of the guests would utilise Maer Road car park immediately to the south of the site for parking on a pay per night basis, in the future there may be some concessions for a certain number of spaces, however that is between the applicant and the Council. It is not uncommon in city centre locations throughout the country where public car parks are nearby that hotels rely on these to meet their customers needs.

The parking Services Manager has the following comments to make:

*'Personally I think the car park would benefit from the additional custom that a hotel in this location would bring.'*

*'You are correct that of all the Exmouth car parks, Maer Road is the one which is less often full, being slightly set back from the coastal road and not in the centre of town.'*



*I would be happy to look at the available options for car park guests and hotel staff, such as discounted rates or long term lease of some spaces, as we would benefit from the income and greater utilisation.*

*I have initial concerns about deliveries and other HGV's using the car park, so we may have to impose restrictions on these or introduce a dedicated loading space for the safety of car park users.*

*As the car park operates on a first come basis, we would not be able to guarantee spaces for hotel guests, however if the question is whether the car park has the capacity to service the hotel in order to grant permission, my belief would be yes'.*

Accordingly, it is considered that the proposed development is acceptable in relation to its impact on the surrounding highway network and the impact on parking locally, subject to conditions, in accordance with Policies TC7 and TC9 of the EDDC Local Plan.

### **Impact on trees**

The existing hotel has extensive landscaped grounds to the south stretching down to its boundary with Maer Road Car Park. Generally the site is mainly void of significant trees as highlighted by the tree survey submitted with the application with the majority of trees considered to be small trees / shrub specimens which have limited amenity value and are considered replaceable with appropriate replacement planting. The main trees are a Copper Beech (T1) along the northern road frontage, which is covered by a tree preservation order (TPO) and a group of trees in the south western corner including Monterey Cypress, Blue Spruce, Holm Oaks and Walnut. To the south-east, the main two trees are a London Plane and Monterey Pine, these trees are also covered by preservation orders. These trees are now proposed to be retained in comparison to previous plans which involved the removal of a number of these important trees. Only one tree of note is proposed for removal; T22, a Monterey Cypress, B category, the Council's Arboricultural Officer considers it loss to be acceptable subject to appropriate replacement planting.

The Arboricultural Officer raises no objections to the proposal however, he does note that the part of the main block proposed next to T1, is positioned in close proximity to the south western edge of the crown of the tree. As the existing building which is equally as close to the canopy is to be demolished, there is an opportunity to improve the juxtaposition between the tree and the proposed new build. Therefore it is considered appropriate to reposition the block further to the south which will reduce the proximity impact of the tree on the building and therefore lessen the need for future maintenance. However, during extensive discussions and negotiations with the applicant's agent substantial amendments have been made to the quantum of development on site and the layout and design of the buildings such that a great deal of accommodation has been lost to make the scheme more acceptable, in these negotiations it was considered that the harm to the tree would be no greater than currently existing and the existing hardstandings would be removed and replaced by grass such that it is considered that the proximity was not detrimental.

The Arboricultural Officer considers it necessary to seek a detailed soft landscaping scheme by condition with emphasis placed on large specimen trees particularly within car parking areas to better assimilate the proposal into its surroundings and achieve some gain to the local biodiversity environment.

Accordingly, subject to appropriate tree protection and replacement planting conditions, the proposal is considered acceptable in relation to Policy D3 of the EDDC Local Plan.

## **Ecology**

The submitted application is supported by a phase 1 habitat survey and desk study undertaken in February 2021, bat emergence and bat activity surveys undertaken in 2021 (April-August), and an updated site in July 2022. No evidence of roosting bats was found in 2021 and the surveys identified the western boundary as a commuting route for bats, this boundary is largely to be retained during the construction works and following completion of works. Several recommendations are made for ecological avoidance, mitigation, compensation, and enhancement.

The proposed plans (Drawing 7057-101 Rev D), indicates the removal of several trees and green space, with the proposed plans indicating a significant amount of hard standing, and new buildings. Therefore, it is difficult to determine whether the proposals would result in a negative impact on biodiversity.

The application has been supported by a Biodiversity Net Gain (BNG) report and supporting BNG calculation undertaken using the Biodiversity Metric 4.0. The report considered that based on the current site plan, the development could deliver an increase in 0.57 habitat units (a 13.68% net gain) and 1.18 hedgerow units (a 909.44% net gain).

The Council's Ecologist has the following comments to make:

*'The application has been supported by a Biodiversity Net Gain (BNG) report and supporting BNG calculation undertaken using the Biodiversity Metric 4.0. The report considered that based on the current site plan, the development could deliver an increase in 0.57 habitat units (a 13.68% net gain) and 1.18 hedgerow units (a 909.44% net gain).'*

*'The large increase in hedgerow units is based on the relatively small baseline of existing low value hedge on the site and provision of 200 m of new hedge on the site. The net gain in habitats is based on the assumptions of management of modified grassland into moderate condition and provision of a biodiverse green roof in good condition. As highlighted in the report, the predicted gains are dependent on appropriate long-term management of post-construction habitats. Failure of predicted habitat conditions for area habitats could make a significant difference in the predicted outcomes, i.e., less than expected.*

*The other supporting ecology reports make various recommendation for ecological mitigation, compensation, and enhancement measures which are generally proportional to the predicted impacts'.*

The following mitigation measures are proposed in the bat survey report:

- *Implement a sensitive lighting scheme as part of the proposed development (please see attached advisory document in Appendix). Lighting should be kept to the minimum required for public health and safety. Additionally, lighting should be downwards pointing to minimise light spill and should be concentrated within the centre of the site, away from vegetative boundaries. The use of low-level lighting bollards (or equivalent) is preferable. The scheme should, in particular, ensure no/absolutely minimal artificial light spillage on the western boundary, which has been identified as a common pipistrelle commuting route.*
- *As an enhancement feature bat roosting facilities should be provided within the completed [built] development. It is recommended that at least two integrated bat roosting units are installed (one on a southern elevation and one on a western elevation of possible) per new 'block' (i.e. north block apartments, south block apartments and hotel). These can include in-built roosting facilities and/or access to bat slates etc.*

These mitigation measures would need to be conditioned on any approval together with the recommendations of the RSPB to install bird boxes on the development.

Accordingly, the proposed development is considered to be acceptable in accordance with Policy EN5 of the EDDC Local Plan.

## **Habitats Regulations Assessment**

The nature of this application and its location close to the Exe Estuary and their European Habitat designations is such that the proposal requires a Habitat Regulations Assessment. This section of the report forms the Appropriate Assessment required as a result of the Habitat Regulations Assessment and Likely Significant Effects from the proposal. In partnership with Natural England, the council and its neighbouring authorities of Exeter City Council and Teignbridge District Council have determined that housing and tourist accommodation developments in their areas will in-combination have a detrimental impact on the Exe Estuary and Pebblebed Heaths through impacts from recreational use. The impacts are highest from developments within 10 kilometres of these designations. It is therefore essential that mitigation is secured to make such developments permissible. This mitigation is secured via a combination of funding secured via the Community Infrastructure Levy and contributions collected from residential developments within 10km of the designations. This development will be CIL liable and a financial contribution and would be secured through an appropriately worded Section 106 agreement. On this basis, and as the joint authorities are working in partnership to deliver the required mitigation in accordance with the South-East Devon European Site Mitigation Strategy, this proposal will not give rise to likely significant effects.

## **Drainage**

### Surface water drainage

The proposed surface water drainage design has been submitted with two different options depending upon whether infiltration tests (percolation) of the site indicate the use of soakaways would be successful or not. If percolation tests show that infiltration is not a viable option to deal with surface water from the proposed development, then surface water will need to be attenuated on site and discharged at a controlled rate to an off-site receptor. Plans of both drainage solutions for the site have been submitted, in the event that the preferred infiltration system is not a viable option an on-site attenuation basin would be required in the southern part of the site close to the proposed Childrens' play area.

The submitted surface water drainage report indicates that there is a South West Water (SWW) surface water sewer routed under Maer Road at a distance of about 60m to the west of the site. This pipe discharges into the Littleham Brook which would be the receptor for any greenfield runoff from the site as existing. This surface water sewer would therefore represent a suitable receptor for attenuated surface water flows from the development.

SWW have been contacted to confirm their acceptance to a proposed connection into their surface water sewer in Maer Road.

Devon County Flood Risk Department were consulted as part of the application process and originally raised no in-principle objection subject to submission of additional information in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

Additional information has been provided and DCC FRMT have the following comments to make:

*'Our objection is withdrawn and we have no in-principle objections to the above planning application at this stage, assuming that pre-commencement planning conditions are imposed on any approved permission.'*

*Following my previous consultation response (FRM/ED/1910/2022; dated 20th September 2022), the applicant has provided additional information in relation to the surface water drainage aspects of the above planning application, via e-mail, for which I am grateful.*

*The applicant has proposed 2 methods for managing surface water. If infiltration is proved viable, then surface water will be designed to soak into the ground (via soakaways). If infiltration is not viable, then surface water will be discharged off-site at a restricted rate. The applicant's current proposals would be to discharge surface water into a South West Water surface water sewer.*

*Green roofs and rain gardens are also proposed.*

Accordingly, subject to the suggested pre-commencement condition, the proposal is considered acceptable in relation to Policy EN22 of the EDDC Local Plan.

Foul drainage

The details of foul drainage are subject to a final design, South West Water have been consulted in terms of drainage capacity, there would be a total of 130 units of accommodation on site verses the current 54 units meaning an increase in 76 units and have the following comments to make:

*'The storm overflow at the sewage pumping station and the local sewer flooding downstream from the development is being investigated so the issues should hopefully be resolved before the new connection takes place. This site will be included in any assessments for design.'*

Accordingly, subject to a pre-commencement condition, the proposal is considered acceptable in relation to Policy EN19 of the EDDC Local Plan.

## **Obligations**

### Affordable housing

The report has already discussed the affordable housing requirement and the habitat mitigation payments which would need to be secured through the prior signing of a legal agreement, however, there are other items that are required to be secured through the legal agreement, namely:

### Health

The NHS clinical commissioning group (CCG) have requested a contribution from the development towards a primary healthcare costs. Whilst it is appreciated that the proposed development would add to the number of people the NHS has to care for it would not be the only development in the area that would affect numbers of people in using services and it is for the NHS to appropriately budget for and seek monies through the correct channels. The appropriate funding stream for matters such as this is through the CIL process where the NHS would need to bid for funding.

### Playspace

Strategy 43 of the Local Plan requires development of a certain size to provide and/or contribute towards on-site open space provision and maintenance through a management company or upgrading of play facilities nearby. Details of this would need to be secured through the legal agreement.

### Management company

There is a need to make sure that the open space on site and the landscaping is maintained such that on all new residential development of an appropriate scale a management company is required.

## **Conclusion**

The proposal represents a major redevelopment of a key site that is visible in its surroundings both locally and further afield across the seafront and The Maer. Long and protracted dialogue and negotiation with the applicant's agent, through this

application and other previous proposals on site has meant that different iterations of design and layout have been under consideration for some time, however this process has been fundamental to produce a design and layout where officer can, on balance, now offer support for the application.

There would be a number of benefits that the proposal would provide, including employment of local trades through the demolition and construction period, provision of 15 units of affordable housing provided on site together with an off site contribution for 1.5 units, provision of upgraded holiday accommodation for visitors to the town, improvements to the appearance of the site, particularly its frontage onto Douglas Avenue.

Concerns regarding the design and layout of the development have been considered and found to be acceptable together with impacts on ecology (with mitigation and compensation measures included in the Ecological Impact Assessment), trees, highway safety and drainage (subject to conditions).

Whilst there would undoubtedly be impacts on the surroundings during the construction period and when first built, it is considered that the design and massing of the building which have been significantly improved through collaborative working with the applicant's agent and the resulting development would assimilate well into its surroundings.

Overall, the benefits of the proposal are considered to demonstrably outweigh the harm and therefore the proposal is recommended for approval subject to conditions to mitigate certain impacts of the proposal.

## **RECOMMENDATION**

APPROVE subject to the prior signing of legal agreement to secure the following:

- **15 units affordable housing on site 70% rented and 30% shared ownership;**
- **Offsite affordable housing payment of £17,338.50;**
- **Habitat mitigation payment of £367.62 per unit for all of the residential units together with 11 new holiday bedrooms;**
- **On site play area infrastructure together with its phasing in the development;**
- **Management company.**

and 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.)

## PRE COMMENCEMENT CONDITIONS

3. Prior to the commencement of development the developer shall provide evidence to the Local Planning Authority that a formal agreement has been entered into with EDDC to secure 24 hour unfettered access into Maer Road Car Park for users of the hotel and from Mear Road car park into the southern site boundary to service the hotel and access the disabled parking bays, as set out on the approved plans.

Reason: To secure an appropriate mix of development in accordance with Strategy 3 (Sustainable Development and E18 (Loss of Holiday Accommodation) of the East Devon Local Plan and Policy EE3 of the Exmouth Neighbourhood Plan

4. No development shall take place until a detailed phasing plan including all necessary works to implement the development has been submitted to and agreed in writing with the Local Planning Authority. For the avoidance of doubt the hotel hereby approved shall be fully operational and capable of first use prior to occupation of any of the residential units on site. The development shall not be carried out other than in strict accordance with the Phasing Plan as may be agreed unless otherwise agreed in writing with the Local Planning Authority.

(Reason - to ensure the development proceeds in a properly planned way from an early stage including replacement of the existing holiday accommodation facilities on site prior to any residential units being occupied and to limit any unacceptable impact on the locality in accordance with Policies D1 (Design and Local Distinctiveness) and E18 (Loss of Holiday Accommodation) of the East Devon Local Plan. The condition is a condition precedent because it is imperative that the holiday accommodation is re-provided at a very early stage)

5. Prior to commencement of any works on site (including demolition), Tree Protection measures shall be carried out as detailed within the Arboricultural Report and method statement submitted by Advanced Arboriculture dated 24/08/2022 shall adhere to the principles embodied in BS 5837:2012 and shall remain in place until all works are completed, no changes to be made without first gaining consent in writing from the Local Authority:

b) No operations shall be undertaken on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery) until the protection works required by the approved protection scheme are in place.

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

d) 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.

e) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme.

f) Protective fencing shall be retained intact for the full duration of the development hereby approved and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.

g) No trees, shrubs or hedges within the site which are shown as being planted or retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within five years from the occupation of any building, or the development hereby permitted being brought into use shall be replaced with trees, shrubs or hedge plants of similar size and species unless the Local Planning Authority gives written consent to any variation.

(Reason - To ensure retention and protection of trees on the site prior to and during construction in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D3 - Trees and Development Sites of the Adopted New East Devon Local Plan 2013-2031. The condition is a condition precedent to safeguard the existing trees during the development).

6. Prior to commencement of any part of the site (including demolition) 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.
- (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

(Reason: To ensure that appropriate procedures are in place for all traffic attracted to the site and so that construction traffic does not unreasonably impact upon its the local highway network or the living conditions of neighbouring dwellings in accordance with Policies TC7 (Adequacy of Road Network and Site Access) and D1 (Design and Local Distinctiveness) of the EDDC Local Plan. The condition is a condition precedent to ensure residential amenity and highway safety is safeguarded before any development commences).

7. A Construction and Environment Management Plan (CEMP) 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. Any equipment, plant, process or procedure provided or undertaken in pursuance of this development shall be operated and retained in compliance with the approved CEMP. 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 and 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 and dust pollution in accordance with Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan. The condition is a condition precedent to ensure residential amenity and is safeguarded before any development commences).

8. Prior to commencement of development the developer must undertake a risk assessment identifying the potential risks for airborne nuisance, additional land/water contamination and/or the creation of additional contamination pathways either on the site or at adjacent properties/other sensitive receptors. The demolition should be carried out in such a manner as to minimise the potential for airborne nuisance, additional land contamination and/or the creation of additional contamination pathways either on the site or at adjacent properties/other sensitive receptors. Demolition working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays.

Reason: To protect the amenities of existing and future residents in the vicinity of the site from water, noise and dust pollution in accordance with Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East

Devon Local Plan. The condition is a condition precedent as demolition is likely to be the first act of development on the site.

9. No development hereby permitted, other than demolition, shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:
- (a) Soakaway test results in accordance with BRE 365, groundwater monitoring results in line with our DCC groundwater monitoring policy and evidence that there is a low risk of groundwater re-emergence downslope of the site from any proposed soakaways or infiltration basins.
  - (b) A detailed drainage design based upon the approved Flood Risk Assessment and Drainage Strategy and the results of the information submitted in relation to (a) above.
  - (c) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.
  - (d) Proposals for the adoption and maintenance of the permanent surface water drainage system.
  - (e) A plan indicating how exceedance flows will be safely managed at the site.
  - (f) Evidence there is agreement in principle from South west Water, or other asset owner, to connect into their surface water sewer.
- No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (f) above.

Reason: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG. The condition should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.

10. No development hereby permitted, other than demolition, shall commence until a detailed foul drainage strategy has been submitted to and approved in writing by the Local Planning Authority in consultation with South West Water. The development shall thereafter be carried out in accordance with the approved details only.

Reason: To ensure that a suitable foul drainage proposal has been submitted once ground conditions are known following demolition of the existing buildings on site in accordance with Policy EN19 – (Adequacy of Foul Sewers and Adequacy of Sewage Treatment Systems) of the East Devon Local Plan. The condition should be pre-commencement since it is essential that the proposed foul water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.

## **OTHER CONDITIONS**

11. The specific noise level of any fixed plant or equipment installed and operated on the site must be designed as part of a sound mitigation scheme to operate at a level of 5dB below daytime (07:00 - 23:00 expressed as LA90 (1hr)) and night-

time (23:00 - 07:00 expressed as LA90 (15min) background sound levels when measured or predicted at the boundary of any noise sensitive property. Any measurements and calculations shall be carried out in accordance with 'BS4142+2014 Methods for Rating and Assessing Industrial and Commercial Sound'.

Reason: To protect the amenities of existing and future residents in the vicinity of the site from noise pollution in accordance with Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan.

12. Prior to occupation of any residential unit with a balcony/privacy screen, the balcony/privacy screen shall be installed in accordance with the details shown on drawing numbers 7057-502 Rev I, 7057-520 rev F, 7057-521 Rev F received on 25<sup>th</sup> October 2023 and 7057-570 Rev I, 7057-571 Rev G, 7057-580 Rev H received on 7<sup>th</sup> March 2024 and shall be retained and maintained for these purposes in perpetuity. For the avoidance of doubt the privacy screens shall be a minimum level of obscurity equivalent to Pilkington Level 4.  
(Reason: In the interests of the character and appearance of the area and to protect the living conditions of surrounding residential properties in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan
13. Should any contamination of soil and/or ground or surface water be discovered during excavation of the site or development, the Local Planning Authority should be contacted immediately. Site activities in the area affected shall be temporarily suspended until such time as a method and procedure for addressing the contamination is agreed upon in writing with the Local Planning Authority and/or other regulating bodies.  
Reason: To ensure that any contamination existing and exposed during the development is identified and remediated in accordance with Policy En16 (Contaminated Land).
14. Notwithstanding the details provided 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 building 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.)
15. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of the development based on the submitted Biodiversity Net Gain report (Devona and Cornwall Ecology, January 2024) and recommendations within the Phase 1 Habitat Survey Report, Daytime Bat Survey & Desktop Study and Bat Survey Report (Lee Ecology, February and August 2021). It should include the location and design of biodiversity features including integrated bat boxes, bird boxes, insect bricks, and landscaping. It should include precautionary clearance methods (including toolbox talks), details regarding

lighting, and reporting of actions. The content of the LEMP shall also include the following.

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a minimum 30-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

The development shall not be occupied until the Local Planning Authority has been provided with evidence, including photographs, that all ecological mitigation and enhancement features, including bat boxes, bird boxes, insect bricks, and landscaping have been installed/constructed, and compliance with any ecological method statements in accordance with details within the submitted LEMP.

Reason: To ensure that the development has no adverse effect on protected and notable species and provides ecological mitigation and enhancement measures in accordance with Strategy 47 (Nature Conservation and Geology) and Policy EN5 (Wildlife Habitats and Features) and EN14 (Control of Pollution) of the Adopted East Devon Local Plan 2013-2031.

16. Under no circumstances should any external lighting be installed without prior consent from the local planning authority. Any lighting design should be fully in accordance with BCT/ILP Guidance Note 08/2023. Prior to any occupation of the development hereby permitted, details of the exterior lighting and management shall be submitted to and approved in writing by the Local Planning Authority. The exterior lighting shall be provided and managed in accordance with the approved details.

Reason: To ensure that the development has no adverse effect on protected and notable species and provides ecological mitigation and enhancement measures in accordance with Strategy 47 (Nature Conservation and Geology) and Policy EN5 (Wildlife Habitats and Features) and EN14 (Control of Pollution) of the Adopted East Devon Local Plan 2013-2031.

17. Notwithstanding the details provided, no access from apartments 47, 50 or 51 at third floor level shall be formed to enable access onto the third floor roof above the second floor. Access to this roof area shall be for maintenance purposes only and it shall not be used as an amenity area at any time.

(Reason: In the interests of the character and appearance of the area and to protect the living conditions of surrounding residential properties in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.

18. Prior to occupation of any of the residential units on site, details including plans, elevations and locations of cycle parking shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the agreed details and be fully implemented and capable of use prior to occupation of the units they serve.

Reason: To ensure the development is accessible by a variety of modes of transport in the interests of sustainability in accordance with Strategy 5B- Sustainable Transport and policies TC2- Accessibility of New Development and TC9- Parking Provision in New Development of the Adopted East Devon Local Plan 2013-2031)

19. Provision shall be made to enable goods vehicles to be loaded and unloaded within the curtilage of the site to which this application relates to the hotel. Details of such facilities shall be submitted to and approved in writing by the Local Planning Authority and shall be provided before the development commences. The loading area as approved shall only be used between the hours of 7 am and 11pm Monday to Sunday.

(Reason - To ensure that adequate provision for loading and unloading is available and to prevent congestion in the adjacent car park in accordance with Policy TC7 - Adequacy of Road Network and Site Access of the Adopted East Devon Local Plan 2013-2031. The hours of use are required to be restricted due to the close proximity to residential units in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)

20. No development above foundation level of any building hereby approved shall take place until details of electric vehicle charging points and cycle parking facilities to serve the residential elements of the proposal have been submitted to and agreed in writing by the Local Planning Authority. The charging points and cycle parking facilities shall be provided prior to first use of the units which they serve and shall thereafter be retained and maintained for such purposes at all times.

(Reason: To ensure the development is accessible by a variety of modes of transport in the interests of sustainability in accordance with Strategy 5B- Sustainable Transport and policies TC2- Accessibility of New Development and TC9- Parking Provision in New Development of the Adopted East Devon Local Plan 2013-2031)

21. Notwithstanding the details provided prior to first occupation of any building on site details of bird boxes including design, locations and numbers shall be submitted to and approved in writing by the Local Planning Authority. The boxes as agreed shall be installed prior to the first occupation of the building which they serve and retained and maintained as such in perpetuity.

Reason: To ensure that there is sufficient provision for the local bird population as an enhancement to the local area in accordance with Policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan.

22. Development shall proceed in accordance with the recommendations contained in Section 1.2 of the Bat Survey report dated April-August 2021 carried out by Lee Ecology.

Reason: To ensure that appropriate measures are in place for any protected species that have the potential to be impacted upon as a result of this development in accordance with Policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan

23. The existing access onto Douglas Avenue shall be effectively and permanently closed in accordance with details which shall previously have been submitted to and approved by the Local Planning Authority as soon as the upgraded access is capable of use

(Reason: To minimise the number of accesses on to the public highway and create a useable area of open space in accordance with Policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan).

24. a) The installed tree protection will have been inspected by an appropriately experience and qualified Arboricultural Consultant commissioned to act as the project Arboricultural Supervisor.

b) The findings of the Arboricultural Supervisors initial site inspection shall be forwarded to Local planning Authority prior to the commencement of works on site.

c) During any activities within the RPA of protected trees, an Arboricultural Supervisor shall be on site as an arboricultural watching brief. Details of watching brief shall be forwarded to the Local Planning Authority.

d) Any ad-hock site inspections shall be undertaken by a suitably qualified tree specialist and the finding recorded in the site monitoring log as per the AMS.

e) Any departures from the approved TPP and AMS shall be reported to the Local Planning Authority in writing within five working days of the site inspection.

f) A completed site monitoring log shall be submitted to the Planning Authority for approval and final discharge of the tree protection condition.

(Reason - To ensure retention and protection of trees on the site prior to and during construction in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D3 - Trees and Development Sites of the Adopted New East Devon Local Plan 2013-2031).

25. No development above foundation level shall take place until details of the equipment to be installed and the means of enclosure of the children's play area hereby approved have been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the means of enclosure must make reference to which surface water drainage scheme will be installed on site (infiltration or attenuation).

Reason: To ensure that a suitable level of equipment is provided and the means of enclosure is suitable depending upon which surface water drainage design is implemented on site in accordance with Policy D1 (Design and Local Distinctiveness and Strategy 43 (Open Space) of the East Devon Local Plan

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

|   |                        |          |
|---|------------------------|----------|
| 7057-106 :<br>proposed<br>amenity<br>space            | Additional Information | 25.10.23 |
| 7057-200 B :<br>existing site<br>sections             | Sections               | 25.10.23 |
| 7057-201 M :<br>proposed site<br>sections             | Sections               | 25.10.23 |
| 7057-500 G :<br>parking level<br>N block              | Other Plans            | 25.10.23 |
| 7057-501 J :<br>ground/first N<br>block               | Proposed Floor Plans   | 25.10.23 |
| 7057-502 I :<br>2nd/third N<br>block                  | Proposed Floor Plans   | 25.10.23 |
| 7057-503 F  | Proposed roof plans    | 25.10.23 |
| 7057-505 F :<br>accommodati<br>on schedule<br>N block | Additional Information | 25.10.23 |
| 7057-520 F : N<br>block 1                             | Proposed Elevation     | 25.10.23 |
| 7057-521 F : N<br>block 2                             | Proposed Elevation     | 25.10.23 |
| 7057-575 G :<br>accommodati<br>on S block             | Other Plans            | 25.10.23 |
| 7057-580 G : S<br>block                               | Proposed Elevation     | 25.10.23 |

|   |                         |          |
|---|-------------------------|----------|
| 7057-600 J :<br>ground/first<br>hotel                       | Proposed Floor Plans    | 08.05.24 |
| 7057-601 G : 2nd<br>floor/roof<br>hotel                     | Proposed Combined Plans | 25.10.23 |
| 7057-610 G : hotel  | Proposed Elevation      | 25.10.23 |
| 7057-801 L : site<br>overview SE                            | Perspective Drawing     | 25.10.23 |
| 7057-802 I : site<br>overview SW                            | Perspective Drawing     | 25.10.23 |
| 7057-803 I : site<br>overview NW                            | Perspective Drawing     | 25.10.23 |
| 7057-804 I : site<br>overview NE                            | Perspective Drawing     | 25.10.23 |
| 7057-805 I : site<br>views                                  | Perspective Drawing     | 25.10.23 |
| 7057-806 F : site<br>views                                  | Perspective Drawing     | 25.10.23 |
| 7057-101 E : site<br>plan<br>demolition                     | Other Plans             | 20.02.24 |
| 7057-102 S  | Proposed Site Plan      | 08.05.24 |
| 7057-104 K : site<br>plan levels                            | Other Plans             | 08.05.24 |
| 7057-105 C : site<br>plan<br>public/private<br>areas        | Other Plans             | 08.05.24 |
| 7057-LP B   | Location Plan           | 20.02.24 |
| 7057-571 Rev G:<br>2nd Floor &<br>Roof Plans<br>South Block | Proposed Floor Plans    | 07.03.24 |
| 7057-104 REV J:<br>Proposed<br>Site Plan<br>Levels          | Proposed Site Plan      | 07.03.24 |



|   |                      |          |
|---|----------------------|----------|
| 7057-107 Rev A:<br>Site Plan<br>Attenuation                     | Other Plans          | 05.08.24 |
| 7057-570 Rev J:<br>Ground Floor<br>& First Floor<br>South Block | Proposed Floor Plans | 08.05.24 |
| 7057-580 Rev H:<br>South Block                                  | Proposed Elevation   | 07.03.24 |

### List of Background Papers

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

### **Statement on Human Rights and Equality Issues**

#### Human Rights Act:

The development has been assessed against the provisions of the Human Rights Act 1998, 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.

#### Equality Act:

In arriving at this recommendation, due regard has been given to the provisions of the Equality 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.