

Agenda for Planning Committee Tuesday, 30th January, 2024, 10.00 am

Members of Planning Committee

Councillors B Bailey, I Barlow, C Brown, J Brown,
A Bruce, S Chamberlain (Vice-Chair),
S Gazzard, A Hall, J Heath, M Howe,
Y Levine, H Riddell, E Rylance, S Smith,
D Wilson and E Wragg (Chair)



East Devon District Council
Blackdown House
Border Road
Heathpark Industrial Estate
Honiton
EX14 1EJ

DX 48808 Honiton

Tel: 01404 515616

www.eastdevon.gov.uk

Venue: Council Chamber, Blackdown House, Honiton

Contact: Wendy Harris, Democratic Services Officer
01395 517542; email
wharris@eastdevon.gov.uk

(or group number 01395 517546)

Issued: Friday, 19 January 2024

This meeting is being recorded for subsequent publication on the Council's website and will be streamed live to the [East Devon District Council Youtube Channel](#)

[Speaking on planning applications](#)

In order to speak on an application being considered by the Planning Committee you must have submitted written comments during the consultation stage of the application. Those that have commented on an application being considered by the Committee will receive a letter or email detailing the date and time of the meeting and instructions on how to register to speak. The letter/email will have a reference number, which you will need to provide in order to register. Speakers will have 3 minutes to make their representation.

The number of people that can speak on each application is limited to:

- Major applications – parish/town council representative, 5 supporters, 5 objectors and the applicant or agent
- Minor/Other applications – parish/town council representative, 2 supporters, 2 objectors and the applicant or agent

The revised running order for the applications being considered by the Committee and the speakers' list will be posted on the council's website (agenda item 1 – speakers' list) on the Friday before the meeting. Applications with registered speakers will be taken first.

Parish and town council representatives wishing to speak on an application are also required to pre-register in advance of the meeting. One representative can be registered to speak on behalf of the Council from 10am on Tuesday 23 January 2024 up until 12 noon on Friday 26 January 2024 by leaving a message on 01395 517525 or emailing planningpublicspeaking@eastdevon.gov.uk.

Speaking on non-planning application items

A maximum of two speakers from the public are allowed to speak on agenda items that are not planning applications on which the Committee is making a decision (items on which you can register to speak will be highlighted on the agenda). Speakers will have 3 minutes to make their representation. You can register to speak on these items up until 12 noon, 3 working days before the meeting by emailing planningpublicspeaking@eastdevon.gov.uk or by phoning 01395 517525. A member of the Democratic Services Team will contact you if your request to speak has been successful.

1 Speakers' list and revised running order for the applications

Speakers' list removed.

2 Minutes of the previous meeting (Pages 4 - 8)

Minutes of the Planning Committee meeting held on 19 December 2023.

3 Apologies

4 Declarations of interest

Guidance is available online to Councillors and co-opted members on making [declarations of interest](#)

5 Matters of urgency

Information on [matters of urgency](#) is available online

6 Confidential/exempt item(s)

To agree any items to be dealt with after the public (including press) have been excluded. There are no items that officers recommend should be dealt with in this way.

7 Planning appeal statistics (Pages 9 - 22)

Update from the Development Manager

Applications for Determination

8 23/0571/MFUL (Major) SIDMOUTH TOWN (Pages 23 - 94)

Former Council Offices, Knowle, Sidmouth, EX10 8HL.

9 22/2795/MRES (Major) COLY VALLEY (Pages 95 - 177)

Land north of Sidmouth Road (Ceramtec), Colyton.

10 23/1978/FUL (Minor) TALE VALE (Pages 178 - 194)

Land adjacent to Park House, Plymtree.

11 **23/2624/FUL (Minor) EXMOUTH LITTLEHAM** (Pages 195 - 204)

Toilets, Foxholes Car Park, Queens Drive, Exmouth, EX8 2AY.

12 **23/2575/FUL (Minor) SEATON** (Pages 205 - 210)

29 Poplar Tree Drive, Seaton, EX12 2TW.

Under the Openness of Local Government Bodies Regulations 2014, members of the public are now allowed to take photographs, film and audio record the proceedings and report on all public meetings (including on social media). No prior notification is needed but it would be helpful if you could let the democratic services team know you plan to film or record so that any necessary arrangements can be made to provide reasonable facilities for you to report on meetings. This permission does not extend to private meetings or parts of meetings which are not open to the public. You should take all recording and photography equipment with you if a public meeting moves into a session which is not open to the public.

If you are recording the meeting, you are asked to act in a reasonable manner and not disrupt the conduct of meetings for example by using intrusive lighting, flash photography or asking people to repeat statements for the benefit of the recording. You may not make an oral commentary during the meeting. The Chair has the power to control public recording and/or reporting so it does not disrupt the meeting.

[Decision making and equalities](#)

For a copy of this agenda in large print, please contact the Democratic Services Team on 01395 517546

EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Planning Committee held at Council Chamber, Blackdown House, Honiton on 19 December 2023****Attendance list at end of document**

The meeting started at 10.25 am and ended at 3.37 pm. The Chair adjourned the meeting for lunch at 1.20 pm and reconvened at 2.02 pm. Brief adjournments also took place at 12.35 pm, reconvening at 12.50 pm and 3.15 pm reconvening at 3.20 pm.

In the absence of the Vice Chair, Councillor Sarah Chamberlain, the Committee agreed to Councillor Simon Smith being Vice Chair for this meeting.

96 Minutes of the previous meeting

The minutes of the Planning Committee held on 21 November 2023 were confirmed as a true record.

97 Declarations of interest

Minute 102. 22/1893/FUL (Minor) WOODBURY & LYMPSTONE.

In accordance with the Code of Good Practice for Councillors and Officers dealing with planning matters as set out in the constitution Committee Members advised lobbying in respect of this application.

Minute 105. 23/1278/FUL (Minor) YARTY.

Councillor Simon Smith, Affects and prejudicial Non-registerable Interest, Close friend of the Project Manager for this application.

98 Matters of urgency

There were none.

99 Confidential/exempt item(s)

There were none.

100 Planning appeal statistics

The Committee noted the planning appeals statistics report setting out the appeal decisions.

The Development Manager drew Members attention to an appeal dismissed for planning application 22/1622/FUL - Kings Arms Farm, Nags Head Road, Gittisham. The Development Manager referred to the Inspectorates decision to dismiss the appeal on amenity and flood risk grounds which was in keeping with the Committees reasons for refusal.

The other appeal the Development Manager drew Members attention to was for planning application 23/1352/FUL which the Inspector allowed for the installation of a wooden fence along the boundaries of 13 Mount Pleasant Avenue, Exmouth. The Inspector

determined that the fence was not out of place and would not have an adverse impact on the surrounding area.

101 **23/1153/FUL (Minor) OTTERY ST MARY**

Applicant:

Mr Tim Johnson (Ottery St Mary Dental Practice)

Location:

Sunny Corner, Hind Street, Ottery St Mary, EX11 1BW.

Proposal:

Extension to existing dental practice on the east elevation incorporating alteration amendment.

RESOLVED:

Approved as per officer recommendation.

102 **22/1893/FUL (Minor) WOODBURY & LYMPSTONE**

Applicant:

Mr Paul James (FWS Carter & Sons Ltd.)

Location:

NHS Vaccination Centre, Greendale Business Park, Woodbury Salterton, EX5 1EW.

Proposal:

Temporary permission (Use Class E) to permanent permission NHS walk in centre (Use Class E) (Ci, ii, iii, D, E, F, G), B2, B8 commercial, business and services including ancillary parking.

The Development Manager updated Members on a proposal that had been received from the applicant for a change to the proposal and to remove Class Ci, ii, iii, D, E, F, G), B2, B8 by way of a condition to permit the use of the building to be solely used by the NHS as a walk-in vaccination centre. The Development Manager advised that officers felt that this would be inappropriate as it would be classed as a significant change to the proposal and could be liable to challenge in the future. The applicant were advised that they should resubmit their planning application solely on the amended grounds that they had proposed. The applicant declined the offer and sought counsel advice which officers had received the day before committee which was looked at by the Planning Solicitor prior to the start of the meeting.

Members were advised that officers remained of the same view that it would be inappropriate to significantly change the nature of the application and Members noted the following section in the Planning Policy Guidance.

'If a detail in a proposed development of the lack of it is unacceptable in planning terms the best course of action will often be for the applicant to be invited to revise the application where this involves significant changes. This may result in the need for a fresh planning application. Depending on the case it may be possible for the Local Planning Authority to impose a condition making a minor modification to the development permitted. It would not be appropriate to modify the development in a way that makes it substantially different from that set out in the application.'

The applicant had also requested that the objection on lack of information regarding surface water management could be dealt with by a planning condition. The Development Manager advised that as this is a retrospective application to retain a building with significant areas of hardstanding this would not be appropriate and would be contrary to the advice of the Lead Local Flood Authority.

RESOLVED:

Refused as per officer recommendation.

103 **23/1659/FUL (Minor) EXMOUTH HALSDON**

Applicant:

Ms Glina Devell.

Location:

2 Seymour Road, Exmouth, EX8 3JG.

Proposal:

Two storey, three bed, dwelling with associated parking, external works and alterations to roof of existing dwelling.

RESOLVED:

Approved as per officer recommendation subject to an additional condition requiring hard and soft landscaping scheme which should also include biodiversity enhancements such as hedgehog holes.

104 **23/1472/FUL (Minor) EXMOUTH WITHYCOMBE RALEIGH**

Applicant:

Mr Darren Pyne.

Location:

18 Colleton Way, Exmouth, EX8 3PX.

Proposal:

Separating existing dwelling into two dwellings including gardens and driveway and addition of front porch.

RESOLVED:

Refused contrary to officer recommendation for the following reasons:

1. The development will provide only one off-street parking space for the proposed new dwelling contrary to Policy TC9 of the East Devon Local Plan which requires the provision of two spaces. This will lead to pressure for on-street parking in an area where there is already parking congestion, leading to an adverse impact on the convenience and safety of users of the highway. As such the proposal is contrary to TC9 of the East Devon Local Plan and the provisions of the National Planning Policy Framework 2023 in particular paragraph 135.
2. Having regard to the limited internal floor area of this dwelling set over three levels and the poor outlook resulting from a reliance on only velux windows to light the upper bedroom, the proposed development would fail to provide an adequate level

of amenity for future occupiers contrary to the provisions of the National Planning Policy Framework 2023, in particular paragraph 135.

105 **23/1278/FUL (Minor) YARTY**

Applicant:

Mr Hamish Bengough.

Location:

Dennings Down, Smallridge, EX13 7JN.

Proposal:

Replace garage store with timber frame two-storey educational classroom space and farm office.

Councillor Simon Smith left the meeting.

RESOLVED:

Approved contrary to officer recommendation subject to planning conditions to be agreed in consultation with the Ward Members and Chair and which should include conditions to:

- Restrict the use of the building to that applied for.
- The use to be associated with the farm.
- Usual conditions regarding materials, method of construction within RPA, tree protection measures, drainage, landscaping etc.

Members considered that the proposal would not put pressure upon the four mature oak trees on the site to be removed, thinned, lopped or topped, and so it would not conflict with Strategy 46 (Landscape Conservation and Enhancement and AONBs), and Policies D1 (Design and Local Distinctiveness), D3 (Trees and Development Sites) of the East Devon Local Plan NE 1 (Conserving and Enhancing the Natural Beauty of our Parish) of the Membury Neighbourhood Plan and the provisions of the National Planning Policy Framework 2023.

106 **23/1997/FUL (Minor) YARTY**

Applicant:

Sharon and Nigel Harding.

Location:

Land and building south east of Courshay Springs, Hawkchurch.

Proposal:

Demolition of existing buildings and construction of a dwellinghouse (alternative to conversion of a redundant building to form a residential dwelling and associated works approval reference 21/3211/FUL).

RESOLVED:

1. The Habitat Regulations Appropriate Assessment be adopted.
2. Approved as per officer recommendation subject to an amendment to the ecology condition to require specific compliance with Section 6.3 of the report.

Attendance List

Councillors present:

B Bailey
I Barlow
C Brown
J Brown
A Bruce
S Gazzard
A Hall
J Heath
M Howe
Y Levine
E Rylance
S Smith
E Wragg (Chair)

Councillors also present (for some or all the meeting)

P Faithfull
B Ingham
G Jung

Officers in attendance:

Wendy Ormsby, Development Manager
Damian Hunter, Planning Solicitor
Wendy Harris, Democratic Services Officer
Paul Golding, Senior Planning Officer
Andrew Digby, Senior Planning Officer

Councillor apologies:

S Chamberlain
H Riddell
D Wilson

Chairman

Date:

**EAST DEVON DISTRICT COUNCIL
LIST OF PLANNING APPEALS LODGED**

Ref: 23/1246/FUL **Date Received** 05.12.2023
Appellant: Mr & Mrs D Moll
Appeal Site: Flat 2 7 Louisa Terrace Exmouth EX8 2AQ
Proposal: Proposed window/doors, revised terrace and guarding
(amended fenestration opening detail)
Planning APP/U1105/W/23/3334501
Inspectorate Ref:

Ref: 23/0743/FUL **Date Received** 06.12.2023
Appellant: Mr I Davies
Appeal Site: Magnolia Cottage Coburg Road Sidmouth Devon EX10
8NF
Proposal: Retention of a boundary screen.
Planning APP/U1105/D/23/3334607
Inspectorate Ref:

Ref: 23/1279/FUL **Date Received** 20.12.2023
Appellant: Mr Alban Connell
Appeal Site: Land Adjacent Poppins Goldsmith Lane All Saints
Proposal: Conversion of an agricultural barn to form a 1-bedroom
dwelling.
Planning APP/U1105/W/23/3335680
Inspectorate Ref:

Ref: 23/2155/FUL **Date Received** 05.01.2024
Appellant: Mr & Mrs D Moll
Appeal Site: Flat 2 7 Louisa Terrace Exmouth Devon EX8 2AQ
Proposal: For proposed window/door
Planning APP/U1105/W/24/3336452
Inspectorate Ref:

Ref: 22/1973/MOUT **Date Received** 06.01.2024
Appellant: ALD Developments (Mr A Davis)
Appeal Site: Land East Of Sidmouth Road Ottery St Mary
Proposal: Outline application with some matters reserved (access) for
the residential development of up to 63 dwellings and
associated infrastructure.
Planning APP/U1105/W/24/3336475
Inspectorate Ref:

Ref: 23/1829/FUL **Date Received** 09.01.2024
Appellant: Mr Harry Carter
Appeal Site: H Carter And Sons 50 High Street Budleigh Salterton EX9 6LJ
Proposal: Replacement shop front and installation of 2no new UPVC windows to replace existing bay windows
Planning Inspectorate Ref: APP/U1105/W/24/3336569

Ref: 23/2209/FUL **Date Received** 10.01.2024
Appellant: Gill Parry
Appeal Site: 1A Jarvis Close Exmouth Devon EX8 2PX
Proposal: Revised proposals for the construction of a two storey dwelling with associated car parking and amenity space [Previously submitted under 22/1516/FUL]
Planning Inspectorate Ref: APP/U1105/W/24/3336804

Ref: 23/2237/FUL **Date Received** 14.01.2024
Appellant: Mr M Tubbs
Appeal Site: 7 Greenway Seaton EX12 2SE
Proposal: Construction of garden room.
Planning Inspectorate Ref: APP/U1105/D/24/3336866

**EAST DEVON DISTRICT COUNCIL
LIST OF PLANNING APPEALS DECIDED**

Ref: 22/2126/FUL **Appeal Ref:** 23/00009/REF
Appellant: Mr Josh Baker
Appeal Site: Annexe At Huxham View (Church Hill Cottage) Pinhoe Exeter EX4 9JJ
Proposal: Change of use from redundant annexe to C3 dwelling house.
Decision: **Appeal Allowed** **Date:** 07.12.2023
(with conditions)
Procedure: Written representations
Remarks: Delegated refusal, accessibility and reasons overruled (EDLP Policies D8 & TC2 and Strategy 5B).

The Inspector acknowledged that it was highly likely that the proposed development would result in future occupiers being largely reliant on the private car to access services and facilities in the local area. However, given that the appeal site is only a short distance from a wide variety of services and facilities, the Inspector considered that it was reasonable to conclude that the majority of these trips would be very short and as such, the associated harm arising from the increase in car travel would be limited.

The Inspector found conflict with Policies D8 and TC2 and Strategy 5B of the East Devon Local Plan, however, considered that the benefits of the proposal included the provision of a single new home that would assist in meeting need in the area, and provide support for local facilities.

The Inspector concluded that when assessed against the policies in the Framework taken as a whole, the adverse impacts would not significantly and demonstrably outweigh the benefits. The development therefore accords with the presumption in favour of sustainable development.

BVPI 204: **Yes**
Planning APP/U1105/W/23/3318928
Inspectorate Ref:

Ref: 23/0325/PIP **Appeal Ref:** 23/00013/REF
Appellant: Mr Dan Nicholls
Appeal Site: Land At Toadpit Lane West Hill Ottery St Mary EX11 1LQ
Proposal: Permission in principle for 2 no. new dwellings
Decision: **Appeal Dismissed** **Date:** 12.12.2023
Procedure: Written representations
Remarks: Delegated refusal, accessibility reasons upheld (EDLP Policies TC2 & D1 and Strategy 5B).
BVPI 204: **Yes**
Planning APP/U1105/W/23/3320367
Inspectorate Ref:

Ref: 22/2196/AGR **Appeal Ref:** 23/00018/REF
Appellant: Chadstone Farm Estate
Appeal Site: Chadstone Farm Rousdon Lyme Regis DT7 3XP
Proposal: Purpose built agricultural barn for the storage of tractors and machinery
Decision: **Appeal Allowed** **Date:** 12.12.2023
(no conditions)
Procedure: Written representations
Remarks: Delegated refusal, countryside protection landscape and justification reasons overruled (EDLP Policies D1 & D7 and Strategies 7, 44 & 46).

The Inspector considered that in the absence of any compelling or convincing evidence to the contrary, the proposed building would be reasonably necessary for the purposes of agriculture as set out in the GPDO.

Having regard to the location of the building, the Inspector considered that the proposal would be typically agricultural in its appearance and of a very small scale such that it would not appear unduly prominent or out of place. As such, the proposed siting of the development would not have a visually harmful effect on the surrounding area.

The Inspector concluded that the proposal would be permitted development and would be acceptable with respect to the character and appearance of the area resulting from the siting of the proposed building.

BVPI 204: **No**
Planning APP/U1105/W/23/3321823
Inspectorate Ref:

Ref: 22/2389/PIP **Appeal Ref:** 23/00002/REF
Appellant: Mr Luke Drakes
Appeal Site: 1 Colliton Cross Broadhembury Honiton EX14 3LQ
Proposal: Permission in principle for a two storey 4-bed dwelling and garage on amenity land
Decision: **Appeal Dismissed** **Date:** 13.12.2023
Procedure: Written representations
Remarks: Delegated refusal, accessibility reasons upheld (EDLP Policy TC2 & Strategy 5B).
BVPI 204: **Yes**
Planning APP/U1105/W/23/3315470
Inspectorate Ref:

Ref:	21/F0248	Appeal Ref:	23/00023/ENFAPP
Appellant:	Helen Dawn Cutler		
Appeal Site:	Land Northeast of Clyst William Cross Plymtree		
Proposal:	Appeal against enforcement notice served in respect of the siting of a shipping container and storage shed, the creation of access and hardstanding and the change of use of part of the land to residential use by the stationing of a touring caravan for residential occupation, without planning permission.		
Decision:	Split Decision	Date:	14.12.2023
Procedure:	Written representations		
Remarks:	<p>Countryside protection and justification reasons upheld (EDLP Policies D1 & H4 and Strategy 7).</p> <p>Enforcement Notice corrected and upheld. Appeal dismissed with the exception of the creation of the access which has been allowed.</p> <p>The Inspector considered that the creation of the access did not cause any harm to the character and appearance of the area.</p>		
BVPI 204:	No		
Planning	APP/U1105/C/23/3322437		
Inspectorate Ref:			

Ref:	22/2120/MFUL	Appeal Ref:	23/00024/REF
Appellant:	Churchill Retirement Living		
Appeal Site:	Jewson Ltd Fore Street Exmouth EX8 1HX		
Proposal:	Redevelopment for 54 retirement living apartments and 6 retirement living cottages, including communal facilities, access, car parking and landscaping and 178sqm of commercial use (Class E)		
Decision:	Appeal Allowed (with conditions)	Date:	21.12.2023
Procedure:	Inquiry		
Remarks:	<p>Officer recommendation to approve, Committee refusal, loss of employment land and affordable housing reasons overruled (EDLP Policy H2 and Strategies 4, 32 & 34, Exmouth NP Policy EE3).</p> <p>Following legal advice, the Planning Committee decided to withdraw all of the reasons for refusal and not contest the appeal.</p>		
BVPI 204:	Yes		
Planning	APP/U1105/W/23/3324701		
Inspectorate Ref:			

Ref:	22/0120/FUL	Appeal Ref:	22/00044/NONDET
Appellant:	Mr & Mrs Charles Isaac		
Appeal Site:	3 Trefusis Place Exmouth EX8 2AR		
Proposal:	Loft conversion to a habitable use, Changes to external elevation finishes with alteration to fenestration, Replacement of existing conservatory with a garden room and alterations to Garden Annex with front extension and relocation of front door.		
Decision:	Appeal Dismissed	Date:	09.01.2024
Procedure:	Written representations		
Remarks:	Appeal against non-determination of the application within the statutory time period. Application for a full award of costs against the Council refused.		
	The Inspector concluded that the proposal would have a harmful impact on the character and appearance of the conservation area and on the amenity of neighbours (EDLP Policies D1 & EN10, Exmouth NP Policies EB1 & EB2).		
BVPI 204:	Yes		
Planning	APP/U1105/W/22/3305821		
Inspectorate Ref:			

East Devon District Council List of Appeals in Progress

App.No: 22/0058/FUL
Appeal Ref: APP/U1105/W/22/3305830
Appellant: Sophie, Harriet and Oliver Persey
Address: Pitmans Farm Dulford Cullompton EX15 2ED
Proposal; Proposed demolition of existing buildings; construction of residential dwelling and detached garage; installation of solar photovoltaic array; landscaping; and associated works.
Start Date: 28 February 2023
Procedure: Written reps.
Questionnaire Due Date: 7 March 2023
Statement Due Date: 4 April 2023

App.No: 22/2216/MFUL
Appeal Ref: APP/U1105/W/23/3319803
Appellant: Enso Green Holdings B Limited
Address: Pound Road BESS Land northeast of Axminster National Grid Substation Pound Road Hawkchurch
Proposal; Installation of a battery energy storage system with associated infrastructure and works.
Start Date: 9 May 2023
Procedure: Inquiry
Questionnaire Due Date: 16 May 2023
Statement Due Date: 13 June 2023
Inquiry Date: 5 September 2023

App.No: 23/F0056
Appeal Ref: APP/U1105/C/23/3320164
Appellant: Donovan George Galling
Address: The Workshops Deer Park Farm Buckerell Honiton
Proposal; Appeal against an enforcement notice served in respect of the change of use from workshop to gymnasium, without planning permission.
Start Date: 10 May 2023
Procedure: Written Reps.
Questionnaire Due Date: 24 May 2023
Statement Due Date: 21 June 2023

App.No: 22/1836/FUL
Appeal Ref: APP/U1105/D/23/3319877
Appellant: Mr Joe Priday
Address: Hux Shard Church Hill Exeter Devon EX4 9JJ
Proposal; Erection of annexe
Start Date: 14 June 2023
Procedure:
Householder
Questionnaire Due Date: 21 June 2023

App.No: 22/2030/FUL
Appeal Ref: APP/U1105/W/23/3323724
Appellant: Alice Johnson (Queen's Drive CIC)
Address: Exmouth Beach Queens Drive Exmouth Devon EX8 2GD
Proposal; Construction of a single storey flexible office/community hub building, single storey side extension to existing bin store to provide 5 WCs and installation of 23 x photovoltaic panels
Start Date: 27 September 2023
Procedure:
Written Reps.
Questionnaire Due Date: 4 October 2023
Statement Due Date: 1 November 2023

App.No: 23/0532/CPE
Appeal Ref: APP/U1105/X/23/3330560
Appellant: Richard Holman
Address: Land Adjacent to Main Yard Lodge Trading Estate Broadclyst Devon EX5 3BS
Proposal; Certificate of lawfulness for the continued use of storage/distribution (class B8)
Start Date: 6 October 2023
Procedure:
Inquiry
Questionnaire Due Date: 20 October 2023
Statement Due Date: 17 November 2023
Inquiry Date: 30 January 2024

App.No: 22/2802/AGR
Appeal Ref: APP/U1105/W/23/3325082
Appellant: Mr Justin Lacey
Address: Land At Woodhouse Fields Lyme Road Uplyme
Proposal; General purpose forestry building
Start Date: 11 October 2023

Procedure:
Written Reps

Questionnaire Due Date: 18 October 2023
Statement Due Date: 15 November 2023

App.No: 23/0298/FUL
Appeal Ref: APP/U1105/W/23/3330631
Appellant: F W S Carter & Son
Address: Greendale Farm Shop NHS Drive Through Vaccination
Centre Sidmouth Road Farringdon Devon
Proposal; Retention of NHS Vaccination Centre and associated car park
Start Date: 13 October 2023

Procedure:
Hearing

Questionnaire Due Date: 20 October 2023
Statement Due Date: 17 November 2023
Hearing Date: 9 January 2024

App.No: 23/0027/CPL
Appeal Ref: APP/U1105/X/23/3330294
Appellant: Mr Gary Burns
Address: Salcombe Regis Camping and Caravan Park Salcombe
Regis Devon EX10 0JH
Proposal; Proposed lawful development for the use of land for the siting
of static caravans.
Start Date: 17 October 2023

Procedure:
Hearing

Questionnaire Due Date: 31 October 2023
Statement Due Date: 28 November 2023
Hearing Date: To be confirmed

App.No: 23/0401/OUT
Appeal Ref: APP/U1105/W/23/3325280
Appellant: Philip Jordan
Address: Exton Lodge Mill Lane Exton EX3 0PJ
Proposal; Outline proposal for a single dwelling with all matters reserved other than access
Start Date: 18 October 2023
Procedure:
Written Reps.
Questionnaire Due Date: 25 October 2023
Statement Due Date: 22 November 2023

App.No: 22/0975/MFUL
Appeal Ref: APP/U1105/W/23/3330735
Appellant: Eagle One MMLL Limited
Address: Land Adjacent Old Tithebarn Lane Clyst Honiton
Proposal; Construction of four commercial, business and service units (Class E) and nine dwellings with associated access, parking and infrastructure
Start Date: 19 October 2023
Procedure:
Hearing
Questionnaire Due Date: 26 October 2023
Statement Due Date: 23 November 2023
Hearing Date: 21 February 2024

App.No: 22/0781/FUL
Appeal Ref: APP/U1105/W/23/3325946
Appellant: Mr Alan Marriott
Address: Mundys Farm West Down Lane Exmouth EX8 2RH
Proposal; Retention of a replacement shed.
Start Date: 23 October 2023
Procedure:
Written Reps.
Questionnaire Due Date: 30 October 2023
Statement Due Date: 27 November 2023

App.No: 22/0074/FUL
Appeal Ref: APP/U1105/W/23/3321677
Appellant: Penelope Jane Cook
Address: Country West Trading Estate Tytherleigh Axminster EX13 7BE
Proposal; Construction of 5 no. dwellings, means of access and associated works
Start Date: 26 October 2023
Procedure:
Written Reps.
Questionnaire Due Date: 2 November 2023
Statement Due Date: 30 November 2023

App.No: 22/0686/MFUL
Appeal Ref: APP/U1105/W/23/3323252
Appellant: Mr Troy Stuart
Address: Hill Barton Business Park Sidmouth Road Clyst St Mary
Proposal; Change of use of land for the purposes of parking, associated with the existing operations at Hill Barton Business Park, for a temporary period of 3 years (retrospective application)
Start Date: 26 October 2023
Procedure:
Written Reps.
Questionnaire Due Date: 2 November 2023
Statement Due Date: 30 November 2023

App.No: 22/2779/PIP
Appeal Ref: APP/U1105/W/23/3326363
Appellant: Mr Tony Bowden
Address: Land at Down Close Newton Poppleford
Proposal; Permission in principle application for the construction of up to nine no. dwellings (1 no. minimum, 9 no. maximum).
Start Date: 30 October 2023
Procedure:
Written Reps.
Questionnaire Due Date: 6 November 2023
Statement Due Date: 4 December 2023

App.No: 23/0402/FUL
Appeal Ref: APP/U1105/W/23/3326357
Appellant: Mr K Mooney
Address: Land Lying to the south of Rull Barton Rull Lane Whimble
Proposal; Construction of dwelling and associated works
Start Date: 1 November 2023

Procedure:
Written Reps.

Questionnaire Due Date: 8 November 2023
Statement Due Date: 6 December 2023

App.No: 22/2533/MOUT
Appeal Ref: APP/U1105/W/23/3322776
Appellant: Morrish Homes & Messrs Compton, Stephenson, Olliff & Sanders
Address: Land North of Oak Road West Hill EX11 1SJ
Proposal; Outline application for the erection of 23no. dwellings with all matters reserved save for formation of vehicular and pedestrian access.

Start Date: 13 November 2023
Procedure:
Hearing
Questionnaire Due Date: 20 November 2023
Statement Due Date: 18 December 2023
Hearing Date: 28 February 2024

App.No: 22/0974/FUL
Appeal Ref: APP/U1105/W/23/3327489
Appellant: Mr Andrew Rennie
Address: 11 Mill Lane Branscombe Devon EX12 3DS
Proposal; Retrospective planning application for the installation of one 7KW Air Source Heat Pump (ASHP).

Start Date: 14 November 2023
Procedure:
Written Reps.

Questionnaire Due Date: 21 November 2023
Statement Due Date: 19 December 2023

App.No: 22/2485/FUL
Appeal Ref: APP/U1105/W/23/3326441
Appellant: Mr and Mrs Browne
Address: Stables And Sand School adj. Willowmead Toby Lane
Woodbury Salterton
Proposal; Change of use from stable to self-build dwelling including
associated works and parking.
Start Date: 15 November 2023
Procedure:
Written Reps.
Questionnaire Due Date: 22 November 2023
Statement Due Date: 20 December 2023

App.No: 22/2353/FUL
Appeal Ref: APP/U1105/W/23/3326573
Appellant: Mr & Mrs J Taylor - Bashford
Address: Land Adjoining 12 The Copse Exmouth Devon EX8 4EY
Proposal; Erection of a two storey 3-bed detached dwelling.
Start Date: 15 November 2023
Procedure:
Written Reps.
Questionnaire Due Date: 22 November 2023
Statement Due Date: 20 December 2023

App.No: 23/0891/FUL
Appeal Ref: APP/U1105/D/23/3330810
Appellant: Johanna Leonard
Address: 6 Ash Grove Exmouth EX8 3BN
Proposal; Retention of porch to front of dwelling.
Start Date: 16 November 2023
Procedure:
Written Reps.
Questionnaire Due Date: 23 November 2023

App.No: 23/0064/FUL
Appeal Ref: APP/U1105/W/23/3327756
Appellant: Mrs Joanna Uffendell
Address: The Bungalow Shorebottom Stockland Devon EX14 9DQ
Proposal; Two storey side extension
Start Date: 11 December 2023
Procedure:
Written Reps.
Questionnaire Due Date: 18 December 2023
Statement Due Date: 15 January 2024

App.No: 23/0743/FUL
Appeal Ref: APP/U1105/D/23/3334607
Appellant: Mr I Davies
Address: Magnolia Cottage Coburg Road Sidmouth Devon EX10 8NF
Proposal; Retention of a boundary screen.
Start Date: 21 December 2023

Procedure:
Householder

Questionnaire Due Date: 28 December 2023

App.No: 23/0615/VAR
Appeal Ref: APP/U1105/W/23/3331385
Appellant: Mr Gary Burns (Serenity Leisure Parks Ltd)
Address: Salcombe Regis Camping And Caravan Park Salcombe
Regis Sidmouth EX10 0JH
Proposal; Variation of condition no. 3 (Shop with residential
accommodation to replace existing) of application 87/P0699
;the building should be used solely for the permitted purpose
of a residential dwelling, site office and shop in conjunction
with and solely for the permitted use of the caravan site.

Start Date: 10 January 2024

Procedure:
Written Reps.

Questionnaire Due Date: 17 January 2024
Statement Due Date: 14 February 2024

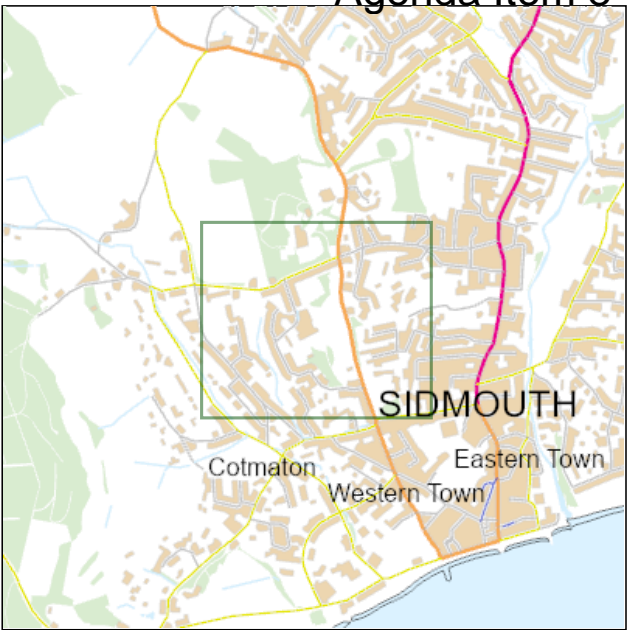
Ward Sidmouth Town

Reference 23/0571/MFUL

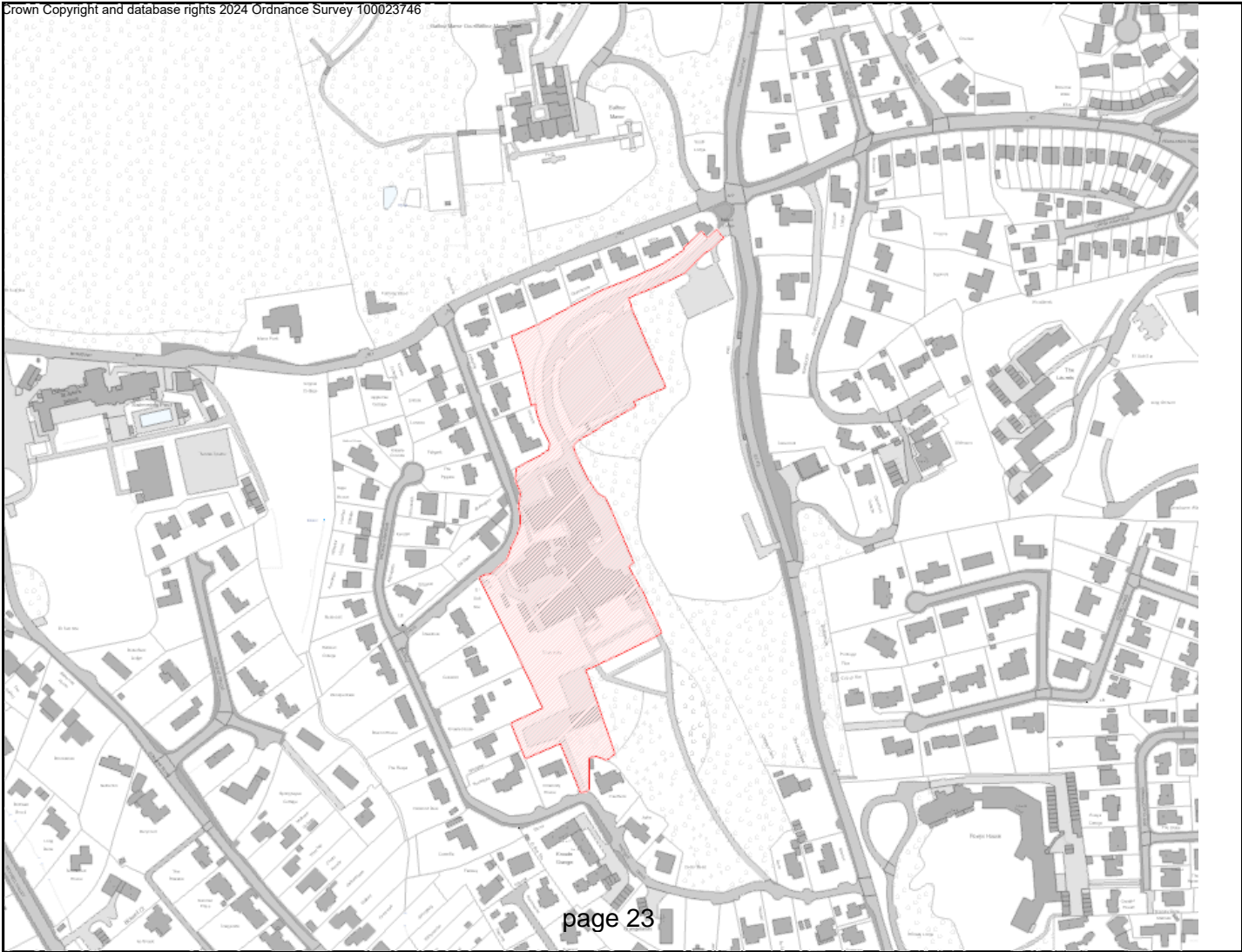
Applicant Mr Paull (McCarthy And Stone Retirement Lifestyles Ltd)

Location Former Council Offices Knowle Sidmouth EX10 8HL

Proposal Redevelopment of site to provide: a) Care home building (Class C2) with associated parking, landscaping, staff and resident facilities and associated works, b) Extra care apartment building (53 units) with associated communal lounge, wellbeing suite, restaurant and care provision (class C2) c) Retirement living apartment building (33 units) with associated communal lounge d) Erection of 4 houses, and 3 townhouses (Class C3) along with accesses; internal car parking, roads, paths, retaining walls, refuse and landscaping associated with development. Retention/refurbishment of building B, erection of habitat building and sub-stations. (Demolition of buildings other than building B) | Former Council Offices Knowle Sidmouth EX10 8HL



RECOMMENDATION: Resolution to approve with conditions, subject to the completion of a legal agreement and adoption of the appropriate assessment.



		Committee Date: 30.01.2024
Sidmouth Town (Sidmouth)	23/0571/MFUL	Target Date: 15.06.2023
Applicant:	Mr Paull (McCarthy And Stone Retirement Lifestyles Ltd)	
Location:	Former Council Offices Knowle	
Proposal:	Redevelopment of site to provide: a) Care home building (Class C2) with associated parking, landscaping, staff and resident facilities and associated works, b) Extra care apartment building (53 units) with associated communal lounge, wellbeing suite, restaurant and care provision (class C2) c) Retirement living apartment building (33 units) with associated communal lounge d) Erection of 4 houses, and 3 townhouses (Class C3) along with accesses; internal car parking, roads, paths, retaining walls, refuse and landscaping associated with development. Retention/refurbishment of building B, erection of habitat building and sub-stations. (Demolition of buildings other than building B) Former Council Offices Knowle Sidmouth EX10 8HL	

RECOMMENDATION: Resolution to approve with conditions, subject to the completion of a legal agreement and adoption of the appropriate assessments.

EXECUTIVE SUMMARY

The site accommodates a series of buildings that make up the former council offices and service depot of the Council. This former use ceased around January 2019 when the relocation to the new Honiton council office occurred. The existing buildings on the site would largely be demolished except for the former caretaker building (known as 'building B'). Members might be aware of the fire which occurred on the early morning of 30th March 2023.

EDDC planning ref; 16/0872/MFUL was allowed at appeal and this granted planning consent for an assisted living community for older people comprising extra care units, staff accommodation and communal facilities, including a kitchen, restaurant/bar/cafe, a well-being suite comprising gym, treatment rooms and pool, a communal lounge and storage facilities. This consent has cleared pre- commencement conditions with a

material start made such that the previous scheme could be built out and so this represents a material fallback position.

The proposal seeks full planning permission, in the main, for the following elements;

- Retirement Living development (Class C3) comprising 33 (Category II type sheltered accommodation), house manager office and associated communal facilities, landscaping and car parking. (Over 60s - 19 one bed and 14 two bed accommodation)
- A pair of 2 semi-detached properties (equally 4 units) and a terrace of three townhouses. C3 residential units without age restriction.
- Care home building (Class C2) with associated parking, landscaping, with staff and resident facilities. Two and three storey housing.
- Extra care / Retirement Living Plus (Class C2) comprising on site care provision communal lounge, wellbeing suite, bistro/restaurant and communal laundry and staff office. (Over 70s - 34 one bed and 19 2 bed accommodation). Extra Care accommodation or Assisted Living is marketed by McCarthy and Stone as Retirement Living Plus.

Building B, the former caretaker building is to remain in order to provide a dedicated bat habitat and in addition a purposely built 'Bat Building' is proposed to the north of Building B.

Given the type of accommodation sought and the communal layout areas to be provided it would be very unlikely that a Registered Provider would seek to take on affordable housing. Therefore, like other recent age restricted accommodation as a matter of principle off site contribution should be sought. However, in this case a viability argument has been put forward that an offsite contribution would not be viable, and that vacant building credit (VBC) should be applied. This has been assessed by an independent viability appraiser who has concluded that VBC is applicable in this instance but also that some profit would be realised should mitigation contributions be required.

The proposal is considered to have an acceptable design and impact on the character and appearance of the area. From outside of the site from medium and long range views the development would be perceptible, but no harm would be forthcoming. The proposal would increase the intensity of the use on the site by introducing additional dwellings above that previously consented. However, the site can accommodate the quantum of dwellings proposed without appearing cramped or impinging unduly on the boundaries of the site. In terms of ecology the proposal has made effort to provide for bats with specific buildings solely for this purpose. The impact on European designated Pebblebed Heaths can be mitigation via a contribution. A separate appropriate assessment has been conducted with regards to the Beer Quarry Caves which can be found at appendix 1. Both of these appropriate assessments concluded that adverse effects can be screened out meaning that this does not weigh against the proposal.

Whilst some trees would be lost these do not provide significantly to the character of the area and the tree officer considers the proposal an overall betterment compared to the previous scheme. The applicant has submitted a surface water drainage scheme which demonstrates that that infiltration rates within the site are not sufficient to the satisfaction of the Lead Flood Authority. Foul and surface water would therefore enter (separately) the SWW drainage system. SWW and DCC Lead Flood Team have not objected to the proposal or claimed capacity issues. The parking and trip generation resulting from the development and impact on the wider highway network has been found acceptable and

there is no objection from the County Highway Authority. Conditions during the construction phase can ensure that this is carried out in an acceptable manner.

The NPPF at paragraph 120 states that planning decision should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs and to promote and support the development of under-utilised land and buildings. This weighs in favour of the scheme

Taking all of the above into account the proposal accords with the development plan and as such a recommendation for Members is to make a resolution of approval, subject to the completion of a legal agreement. As this recommendation conflicts with the views of the Ward Members this planning application is referred to the Development Management Committee.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 1 (Spatial Strategy for Development in East Devon)
Strategy 2 (Scale and Distribution of Residential Development)
Strategy 3 (Sustainable Development)
Strategy 4 (Balanced Communities)
Strategy 5 (Environment)
Strategy 5B (Sustainable Transport)
Strategy 6 (Development within Built-up Area Boundaries)
Strategy 10 (Green Infrastructure in East Devon's West End)
Strategy 26 (Development at Sidmouth)
Strategy 34 (District Wide Affordable Housing Provision Targets)
Strategy 36 (Accessible and Adaptable Homes and Care/Extra Care Homes)
Strategy 37 (Community Safety)
Strategy 38 (Sustainable Design and Construction)
Strategy 43 (Open Space Standards)
Strategy 48 (Local Distinctiveness in the Built Environment)
Strategy 49 (The Historic Environment)
Strategy 50 (Infrastructure Delivery)
D1 (Design and Local Distinctiveness)
D2 (Landscape Requirements)
D3 (Trees and Development Sites)
EN5 (Wildlife Habitats and Features)
EN6 (Nationally and Locally Important Archaeological Sites)
EN7 (Proposals Affecting Sites which may potentially be of Archaeological Importance)
EN8 (Significance of Heritage Assets and their setting)
EN9 (Development Affecting a Designated Heritage Asset)
EN22 (Surface Run-Off Implications of New Development)
H2 (Range and Mix of New Housing Development)
RC1 (Retention of Land for Sport and Recreation)
RC5 (Community Buildings)
TC2 (Accessibility of New Development)
TC4 (Footpaths, Bridleways and Cycleways)
TC7 (Adequacy of Road Network and Site Access)
TC9 (Parking Provision in New Development)

Government Planning Documents
NPPF (National Planning Policy Framework 2023)
NPPG (National Planning Policy Guidance)

Neighbourhood Plan

Sid Valley Neighbourhood Plan (made)

POLICY 1 SID VALLEY DEVELOPMENT PRINCIPLES
POLICY 2 PROTECTION OF KEY VIEWS
POLICY 5 LOCAL GREEN SPACE DESIGNATION
POLICY 6 INFILL DEVELOPMENT, EXTENSIONS AND TREES
POLICY 7 LOCAL DISTINCTIVENESS
POLICY 8 LIGHT POLLUTION
POLICY 9 RESIDENTIAL DEVELOPMENT
POLICY 11 AFFORDABLE HOUSING WITHIN THE BUAB
POLICY 12 HOUSING BY NUMBER OF BEDROOMS
POLICY 18 EMPLOYMENT LAND
POLICY 21 A SAFE TOWN

Consultation Period End Date: 02.10.2023

CONSULTATIONS

Parish/Town Council

31/03/23 - SPLIT DECISION.

Members SUPPORT part (d) of the application to Erect of 4 houses, 3 townhouses, and 2 chalet bungalows.

Members were UNABLE TO SUPPORT parts (a,b and c) for the following reasons:

* It was felt that the proposal for two large apartment blocks of such mass and height represented overdevelopment of the site resulting in a generally overbearing appearance from all directions and overlooking of the adjacent properties on Knowle Drive to the south and west.

' The two large apartment blocks have been extended southwards slightly (relative to the previous plans) into the next lower terrace of the gardens, resulting in their being closer to the Grade 2 Listed Summer House and creating a 5-storey, over-facing and imposing cliff face view from the gardens and public paths to the south.

' Much of site is on high ground and is visible from many parts of the town and valley particularly from the East. The mass, height and colour of the larger buildings meant they would be too prominent and out of keeping and detrimental to the valley and surrounding landscape.

' Members were aware that there were considerable numbers of units, similar to those being offered, remaining unsold/ unoccupied in the town, and considered that the development did not reflect the right balance of priorities for Sidmouth's housing needs.

' There appears to be no residential provision for the staff needs of the site; Sidmouth and the surrounding settlements already lacked suitable accommodation needed for care and hospitality staff.

DC/ DELREP4

AMENDED PLANS

10/10/23 - Members noted the amendments to the application including the deletion of the two proposed chalet bungalows. Nevertheless:

SPLIT DECISION:

Members SUPPORT part (d) of the application to erect 4 houses and 3 townhouses.

Members were UNABLE TO SUPPORT parts (a,b and c) for the following reasons:

Contrary to Policy 1 Sid Valley Development Principles, development proposals should seek to avoid adverse impact on the environmental quality of the parish. Any development should protect or enhance the Sid Valley.

* Members felt the proposal would not benefit the Sidmouth community, making the already large number of elderly residents greater. Based on the evidence from other such developments in the valley, where many have been purchased by new residents moving into the town, Members disagreed with the claim that the development would free up general housing for younger people. Healthcare provision in the valley was already oversubscribed and unable to service the needs of residents. It would exacerbate the imbalance of elderly residents and not meet the current housing and employment needs in the area. There was already a recognised shortage of care staff in the area.

* The proposal for two large apartment blocks of such mass and height results in overdevelopment of the site by reason of the overbearing appearance from all directions and represents an overlooking of the adjacent properties on Knowle Drive to the south and west. Referring to the Built and Natural Environment policy 'the height and spread of any new developments should respect the character and scale of the existing neighbourhood.

' Much of the site is on high ground and is visible from many parts of the town and valley particularly from the East. The mass, height and colour of the larger buildings meant they would be too prominent and out of keeping and detrimental to the valley and surrounding landscape. The revised proposals were felt to be unattractive and of poor design. Despite being moved back marginally, Members felt that the two main blocks were still much too close to the listed 'folly'.

' Members were aware that there were considerable numbers of units, like those being offered, remaining unsold/ unoccupied in the town, and considered that the development did not reflect the right balance of priorities for Sidmouth's housing needs.

Sidmouth Town - Ian Barlow

18/10/23 - I support the comments made by Sidmouth town council at the present time , however I remain open minded on this application until I have had all of the facts and information presented to me when I will make a final decision .

Sidmouth Town - Cllr Denise Bickley

09/04/23 - I consider that this is a good time to reconsider the plans for the Knowle. These plans to build a retirement community do not add anything of value to our town. I believe that the proposed development will exacerbate, rather than relieve the desperate lack of care provision in Sidmouth. Without accommodation for carers and other workers who work with our elderly demographic, we are only making the problem worse.

Meeting the growing needs of our aging population requires :

- affordable accommodation for key care workers,
- adequate local health services,
- appropriate transport provision,
- sufficient sewerage,
- public open space, and
- ambitious plans to plant and grow trees rather than remove them.

Instead of carers, clean air, usable roads and clean water, the proposed building works offers Sidmouth a massive insensitive development which explicitly seeks to attract yet more desperately needy elderly residents to this area, while contributing nothing to Sidmouth's crumbling infrastructure. This is a great chance to do something much better with this development.

I can see nothing in these proposals that will enhance Sidmouth and its amenities and firmly recommend that the application be turned down and the site passed to a developer who wishes to improve our town and solve some of the issues, not increase the stress on the area.

Sidmouth Town - Cllr Cathy Gardner

11/04/23 - Planning Reference 23/0571/MFUL

I have several objections to this application. It should be noted that the currently approved scheme was developed with considerable input from residents, ward members and the planning team. It is disappointing that the new owners are seeking to ignore previous concerns and seem to be pushing for the kind of overbearing, unsympathetic development we had got away from last time. Despite offering assurances during the purchase from PegasusLife (Lifestory), these plans do not match what was suggested.

My concerns include:

1. Loss of Mature Trees

My biggest concern surrounds the proposed loss of trees from this important park. Trees are an essential part of tackling climate change and the Council must do all it can to prevent the felling of healthy trees just to suit a developer. This is vandalism of the worst kind.

The previous owner had an application approved and some trees were affected. No further felling should be permitted as it cannot be necessary for development on the site - given that an application has already been approved. The trees are far more important for amenity and environmental value than the proposed housing.

The existing trees provide screening for the buildings that are there now and will do the same job for any new development. They will also make the site a pleasant place to live.

Ref Neighbourhood Plan for Sid valley 2018 - 2032 Policy 6: Development should be designed so as not to adversely impact on the amenities of its neighbours and should seek to protect any existing trees that contribute to the amenity of the area.

2. Surface water drainage plan

DC/ DELREP4

I am concerned that this plan is inadequate and will overload the drainage system. I would expect SWW/DCC to comment on this because the flood alleviation scheme recently completed in the Knowle park could not have taken these new dwellings into account.

3. Overdevelopment and massing - impact on surroundings

The original consent for this site (Pegasus Life) was for 113 units but this application is for a 70-bed care home and a further 95 units with associated buildings/services. This is a large increase, unsuitable for this location.

The design (height and mass) of the two large apartment buildings (items b and c in the proposal) is totally unsympathetic to the surrounding residential area and parkland. Ref Neighbourhood Plan for the Sid Valley 2018 - 2032, Policy7: Building heights should be in keeping with the context of neighbouring properties.

The proposed development is on a prominent plateau. At the moment the aspect is dominated by mature trees and parkland which links to the surrounding hills. The scale and massing of the proposal would transform the site from one of greenery to high rise urban. Ref Neighbourhood Plan for Sid Valley 2018 - 2032, Policy 2: Any development must not cause a significant adverse impact on the current valued views (this is a listed view, site VP9).

4. Detrimental effect on neighbouring properties

The proposed development will have a significant impact on neighbouring properties.

Residents will no doubt submit specific concerns but the balconies and height of the apartment blocks will be an issue.

5. Parking

I am concerned that the amount of car parking spaces is too low. The surrounding streets are totally unsuitable for overflow parking. Knowle Drive should not be used for parking during the demolition or construction phases either.

6. Effect on the Public Park and the Grade II listed Summerhouse

This new plan looks to reduce the distance between the listed summerhouse and the buildings. This is not acceptable.

The two chalet bungalows will have a detrimental impact on the original landscaped garden. The public park at The Knowle is valued by residents and visitors and provides many of the specimen trees listed as part of the Town Arboretum. This development seeks to build the main apartment buildings further southwards than the previous approved scheme and with the design being effectively 5 stories high will have a greater detrimental impact on the park and will be the dominant feature. This was an aspect that was dealt with in the approved application plans after much debate.

7. Contrary to the Local Plan 2013-2031

The Local Plan 2013-2031 clearly states in both its vision and strategy that "affordable homes are a top priority for this council" and that future developments should result in "more balanced communities".

It is most concerning that there is no affordable housing provision or any contribution to same. Given the price paid (much below that paid originally by PL), these developers are trying to avoid their responsibility to local people. They have the cheek to say that "In this particular case the application has been subject of a robust viability assessment which shows the site cannot sustain an affordable housing contribution". The Local Plan requirements should not be thrown aside in this manner.

Ref the Neighbourhood Plan for The Sid Valley 2018 - 2032: the housing section clearly states the needs of this community. Sidmouth needs affordable accommodation for key healthcare workers and young families. The irony is that this development needs workers that Sidmouth cannot house.

The plan is also contrary to the Local Plan 2013-2031 with regards to balanced communities. Sidmouth already has a very high proportion of elderly residents. More housing for this age group is not required.

Technical consultations

County Highway Authority

11/07/23 - Observations:

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

The site has a precedent benchmark trip generation consisting of the amount of vehicular trips which occurred during the sites use as the East Devon District Council Office use. This development predominantly consists of elderly care dwellings which typically produces lower trip generation than that of open market dwellings, that vehicular trips from this development will not exceed the benchmark.

The planning application includes a comprehensive Framework Travel Plan which includes reducing the amount of vehicular accesses to the site, improvements to a bus stop on the B3176 and secure cycle storage provision, in addition to a Travel Plan

Overall the County Highway Authority (CHA) has no objections for this proposal, though it does recommend the provision of a Construction and Environment Management Plan (CEMP) to mitigate the effect of construction upon the local highway network.

The CHA has reviewed the re-consultation of the amended drawings, the removal of two dwellings will help to decrease the trip generation from this sites re-development, albeit slight, this does result in a predicted 10 fewer vehicle trips over the 12 hour period compared to the original re-development.

The removal of the two dwellings will further facilitate, 7 additional parking spaces which help further more discourage the likeliness of on street parking.

Therefore the CHA retains its stance of no objection.

Conservation

05/04/23 - CONSULTATION REPLY TO PLANNING CENTRAL TEAM

No objection subject to conditions.

Contaminated Land Officer

No objection subject to conditions.

DCC Lead Local Flood Authority

08/11/23 – AMENDED PLANS

Our objection is withdrawn and we have no in-principle objections to the above planning application at this stage, subject to conditions.

DCC Historic Environment Officer

No comments to make.

EDDC District Ecologist

17/11/23 - The predicted increase in lux levels above levels considered to have an adverse effect on bats correspond to proposed movement of the RLP block after March 2023, after the fire in Building A. As the previous lighting strategy already indicated there were likely areas over the site above lighting threshold levels, some clarity is required on the absolute need for this design change.

Habitat Regulation Assessment (HRA)

The supporting documents (Devon Wildlife Consultants, June 2023, and September 2023, reports 22/3943.02rev02/&03) consider the potential impacts on European designated sites including Sidmouth to West Bay Special Area of Conservation (SAC), and the East Devon Pebblebed Heaths SAC/Special Protection Area (SPA). No predicted significant impacts are considered on the qualifying features of these sites, subject to standard contributions to mitigate impacts on the East Devon Pebblebed Heaths.

The site is located within an SAC Landscape Connectivity Zone for greater horseshoe bat, lesser horseshoe bat and Bechstein's bat associated with Beer Quarry and Caves SAC. The building present within the site has also been designated an 'Other lesser horseshoe bat Maternity Roost within a Landscape Connectivity Zone'. The application should be supported by a screening assessment for potential impacts on the SAC, and if a likely significant effect (LSE) cannot be ruled out, an AA detailing the mitigation measures to ensure no LSE. These details should be provided with a shadow HRA document, as described within the Beer Quarry and Caves Special Area of Conservation HRA Guidance (October 2022).

Natural England

05/10/23 - SUMMARY OF NATURAL ENGLAND'S ADVICE

FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES

Habitats Regulations Assessment - Recreational Impacts on European Sites

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

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

Habitats Regulations Assessment - Beer Quarry and Caves Special Area of Conservation

Your authority will need to determine whether the proposal is likely to have a significant effect on the Beer Quarry and Caves (SAC) bat population by undertaking a Habitats Regulations Assessment, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out.

Unlike the previous extant approval at this site, this proposal involves creation of new housing, including erection of 4 houses, 3 townhouses, and 2 chalet bungalows. It is anticipated that new housing development in this area is 'likely to have a significant effect', when considered either alone or in combination, upon the interest features of the SAC/SPA due to the risk of increased recreational pressure caused by that development.

EDDC Landscape Architect

31/05/23 - The submitted details have been amended in response to previous landscape comments and are generally acceptable in terms of landscape design and impact.

EDDC Trees

No objections.

AMENDED PLANS

15/11/23 - Overall the amendments to the suggested layout as shown on the amended TPP, are considered positive from an arboricultural perspective, compared to the previous iteration.

South West Water

No objection subject to the CEMP condition including details of temporary construction site surface water disposal. Foul Sewerage Services

South West Water is able to provide foul sewerage services from the existing public foul or combined sewer in the vicinity of the site. 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.

Royal Society For The Protection Of Birds

04/04/23 - PLEASE SEE INFORMATION UNDER DOCUMENTS TAB

We strongly recommend that the numbers are increased to a minimum of forty boxes in clusters of 3/4 with each box being at least one metre apart, the majority should be on

principally east facing elevations in sheltered locations avoiding where possible close proximity to doors and windows.

The requirements of 8.4.1 should apply to the additional living units, townhouses etc.

We fully support the additional measures to enhance the Biodiversity of the site.

Other Representations

38 letters of objection have been received (in summary);

- Does not comply with local plan
- Harm to designated Parkland – effective privatisation of public space.
- Loss of weekend parking.
- Loss of trees.
- Increase in traffic noise and general noise.
- Insufficient parking and construction phase disruption.
- Loss of architectural heritage and harm to heritage assets.
- Effect on wildlife. Protected and Established wildlife such as badgers and bats.
- Loss of public amenity.
- Loss of private amenity – overlooking and over dominant.
- Lack of public amenities offered.
- Sidmouth does not need more housing of this type – would unbalance community.
- Fails to provide for suitable affordable housing on site or off site contribution.
- Contrary to National Planning Policy Framework & Neighbourhood Plan
- Sets a precedent for building on green sites in East Devon.
- Impact and stress on local services i.e. Doctor surgery and infrastructure.
- Design of development – poor character, inappropriate design and massing.
- Gross over development of the site.
- Damage to the arboretum and Parkland landscape.
- Light pollution.
- No need for more care homes in Sidmouth.
- Overlooking from proposed houses & flats.
- Drainage systems are at capacity. Proposed development would exasperate matters and cause off site flooding.
- Damage to surrounding properties through pile driving.

6 letters of support have been received (in summary);

- Would address the ageing population of the town.
- Not much of this type of accommodation available.

PLANNING HISTORY

Reference	Description	Decision	Date
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12/1847/MOUT	Outline application proposing demolition of existing buildings (retention of building B) for class D1 non-residential institution and park rangers station (Sui Generis), residential development of up to 50no. dwellings (Class C3 use), 60no. bed graduated care home (Class C2 use) and access (all matters reserved except access)-	Refused	08.03.2013
16/0872/MFUL	The construction of an assisted living community for older people comprising extra care units, staff accommodation and communal facilities, including a kitchen, restaurant/bar/cafe, a well-being suite comprising gym, treatment rooms and pool, a communal lounge and storage facilities; car parking for residents, visitors and staff of the assisted living community; comprehensive landscaping comprising communal and private spaces; and associated groundworks	Allowed at appeal	22.01.2018
21/2273/VAR	Variation of conditions 2 (approved plans), 4 (Arb Method Statement), 8 (landscaping), 10 (Bat Mitigation strategy) 12 (Lighting Assessment), 24 (CEMP) and 25 (CMS) of planning consent 16/0872/FUL to facilitate Bat mitigation measures	Approved	23.02.2022

Site Location and Description

The site accommodates a series of buildings that make up the former council offices and service depot of the Council. This former use ceased around January 2019 when the relocation to the new Honiton council office occurred. These existing buildings stand on the highest part of an undulating site with the former parking areas stepping downwards towards Station Road. Publicly accessible sloping gardens and parkland surround these buildings to the south and east, accommodating mature and protected trees, forming a centrepiece for the town's Arboretum. Surrounding residential properties wrap around the site boundary on Knowle Drive and Broadway.

The Sid Valley Neighbourhood Plan (NP) describes the character of 'the Knowle' with policy 5 as;

A substantial area of the original parkland remains, containing some magnificent trees, covered by a TPO which gives protection to the most important trees on the site. The parkland of The Knowle forms part of the attractive approach to Sidmouth, providing an important contribution to the overall historic character and landscape of the town." Most of the

parkland will be passed on to the Town Council, after campaigning to preserve the large area for public access and enjoyment of the recently sown wild flower meadows.

The existing buildings on the site would largely be demolished except for the former caretaker building (known as 'building B'). Members might be aware of the fire which occurred on the early morning of 30th March 2023. This resulted in a large amount of damage to the buildings – particularly the large south terrace building which overlooks the parkland. The fire extended throughout much of the buildings leaving only masonry structures. This fire damage portion is currently fenced off with the public footpath along the eastern boundary currently closed for safety purposes.

Proposed Development

The proposal seeks full planning permission, in the main, for the following elements;

- Retirement Living development (Class C3) comprising 33 (Category II type sheltered accommodation), house manager office and associated communal facilities, landscaping and car parking. (Over 60s - 19 one bed and 14 two bed accommodation)
- A pair of 2 semi-detached properties (equally 4 units) and a terrace of three townhouses – All c3.
- Care home building (Class C2) with associated parking, landscaping, with staff and resident facilities. Two and three storey housing.
- Extra care / Retirement Living Plus (Class C2) comprising on site care provision communal lounge, wellbeing suite, bistro/restaurant and communal laundry and staff office. (Over 70s - 34 one bed and 19 2 bed accommodation). Extra Care accommodation or Assisted Living is marketed by McCarthy and Stone as Retirement Living Plus.

Building B, the former caretaker building is to remain in order to provide a dedicated bat habitat and in addition a purposely built 'Bat Building' is proposed to the north of Building B.

An existing warehouse building/shed is proposed to be removed.

In addition to the above landscaping, heritage and ecological protection measures aim to be incorporated within the overall development.

The originally submitted scheme included two chalet dwellings to the south of the main terrace building. Due to concerns raised with regards to the impact on trees, the parkland setting and the proximity to the listed building amended plans have since removed these. Therefore, the following assessment is made on the basis of these amended plans.

A material planning consideration is the appeal decision dated 22nd January 2018 whereby planning permission was granted for an Assisted Living Community for Older Persons with communal facilities – EDDC planning ref; 16/0872/MFUL. In January 2021 a trench to contain proposed foundations of that consent within the car park area, approximately 0.5 metres in depth, was dug. This consent has cleared pre- commencement conditions and a material start made such that the previous scheme could be built out and so represents a material fallback position. A number of key planning policy, land use, built form and setting principle issues were settled as a result of that appeal outcome and subsequent implementation.

ANALYSIS

The main issues concerning this proposal are the following:

1. The Principle of the Development
2. Design, Character and Appearance
3. The Effect on Heritage Assets
4. The Effect on Trees
5. The Effect on Surface Water and Foul Water Drainage
6. The Effect on Ecology
7. The Effect on Highways and the Provision of Parking
8. Mitigating the Impact of the Development on Infrastructure
9. Contaminated Land and Demolition Phase
10. The Planning Balance

The Principle of the Development

The proposal site lies within the Built-up Area Boundary of Sidmouth which is identified in the East Devon Local Plan as an area centre under strategy 2 of the adopted Local Plan. Development within the built-up area boundary of Sidmouth is therefore appropriate in principle. Specifically, strategy 26 of the local plan allocated 50 dwelling units for this site. (site ref ED02A). Within the Neighbourhood Plan it is stated at policy 9 'There is a presumption in favour of residential development on land within the BUAB, subject to the scale and design of the development being compatible with the characteristics of the character area as described in the Place Analysis and subject to compliance with other policies in this neighbourhood plan'.

The loss of the existing buildings was not considered to be significant in terms of harm to the character and appearance of the area. Indeed, the demolition of the modern 1970s extensions is considered to be beneficial particularly to the street scene of Knowle Drive from which these parts of the building are quite prominent.

It is material that there is an extant planning consent (EDDC ref; 16/0872/MFUL) which has been deemed to have been implemented. The site was an established employment site which provided employment for over 350 staff employed by the Council prior to the relocation to Honiton. While the use of the site by any specific business or body is not a planning consideration its loss as employment land in favour of a largely residential development has been largely settled by the fact that there is an extant planning consent for its loss as use for employment. Therefore, the sites loss for potential continuation for employment use and partial loss of parkland has been accepted and should not weigh significantly against the current scheme.

Design, character and appearance

The overall character of this area of Sidmouth is mixed in terms of the form and character of buildings. Locally, the southern part of Knowle Drive comprises a mixture of detached houses and bungalows with a couple of blocks of 20th century flats set within them. The proposed landscaped strip alongside Knowle Drive would, however, help to retain the historic openness of this boundary of the site. Further to the north along Knowle Drive is a greater consistency of detached houses and dormer bungalows.

The Sid Valley Neighbourhood Plan (NP) was adopted in October 2019 and acknowledges the planning permission granted on The Knowle. The NP reinforces the importance of safeguarding the Local Green Space which the Knowle parkland is identified as. Policy 5 of the NP seeks to retain these important public spaces, and the scheme addresses these with access, landscaping and long term tree maintenance within the site.

The settlement of Sidmouth is located within a highly attractive and important landscape setting, being surrounded by Area of Outstanding Natural Beauty (AONB). The boundary of the AONB lies to the northern side of Broadway just to the north of the application site. It is however worth noting that Sidmouth sits in a bowl created by the Sid Valley and therefore wider views of the site are limited and seen only in the context of the wider town. Furthermore, the development is largely limited to the areas of the site that are previously developed or are immediately adjoined by development with the majority of the parkland remaining. It is therefore considered that distant views of the site will not be significantly altered, with the parkland still being identifiable from wider viewpoints.

As before the proposed design does not seek to replicate other existing buildings within the town and instead seeks its own identity. This design responds to the sites relatively well contained nature, situated within mature landscaping. It does not seek to compete with the regency architecture found within the Sidmouth town centre itself along the sea front.

For the purposes of a character assessment, it is logical to break the site up to three distinct character areas; 'the dell', 'the plateaux' and 'the terrace'. Whereas the previous extant consent granted an entirely assisted living community this latest proposal seeks to incorporate a significant proportion of C3 living apartments, along with the other C2 elements. This change produces different design impacts.

Looking at the three character areas in further detail;

The Dell

This area consists of a small car parking area surfaced in an early version of grass crete which is understood was laid in the late 1990s. This area also includes an area of the parkland characterised by undulating grassland. The northern boundary with the driveway includes a number of attractive mature trees, as does the eastern boundary with the upper car park which is notable for a large red Oak tree on this boundary. To the north of this area is one of the original gatehouses to the site, which is a grade II listed building, while to the opposite side of Station Road to the west is the boundary of the Elysian Fields Conservation Area.

The former lower car park area is proposed to be developed as a 70 bed care home (and associated parking) to be operated by Porthaven which would be a C2 use only. A C2 use class is the provision of residential accommodation and care to people in need of care. The care home provides nursing care for the frail elderly and those living with dementia. 24-hour nursing care is supervised by full-time registered nurses and care assistants providing specialist care tailored to the individual residents as the majority will have acute physical and/or cognitive impairments. 29 car parking spaces are proposed alongside a drop off area. A separate service entrance further up the drive would allocate access for service vehicles to the south elevation of this building.

On the north section of this building large balcony terrace areas are proposed. On the east and west elevations, facing the surrounding parkland, a smaller series of balcony terraces area also proposed. To the front of the buildings would be a formalised garden area.

The built form of this accommodation features flat roofs with a rectilinear appearance. To break up the facades a range of materials are to be incorporated including brick, render, slate effect tile. This pallet of materials is considered acceptable, and further samples of each can be requested via condition. While maintaining the general slope of the existing land a large portion of 'fill' would nevertheless be required as seen on the southern and west elevations. Whilst this would result in visual change it would not adversely alter the character of this area.

Whilst there would be the loss of some trees to accommodate this building, this loss would not undermine the established verdant character of this area, with many trees remaining to reinforce the established appearance of a heavily treed context.

Under the previous scheme, which benefits from planning consent, this general area was also to be the site of a residential care block. This area of the application site previously served as the car park for the council officers when they were operational. The proposed plans helpfully include footprint comparisons with the consented scheme. In terms of general building area there is some similarity to using the approximate area of the previously approved development.

The Plateaux

This area consists of the existing Council offices which was originally formed in the mid 1970s from the conversion of the former Knowle Hotel, whose origins date back to 1810 when a large cottage was originally constructed on the site. This was subsequently significantly altered and extended over the years with the addition of an extra storey and a new roof, among other alterations. It was then later converted in the late 19th century to a hotel. The more recent use as the Council's offices led to a number of unsympathetic extensions and alterations in the 1970s and since.

Within this area the proposed layout realigns the built form on a north to south axis. Compared to the previous consent the orientation of the buildings are much more linear. As a result of this realignment this row of townhouses and semi detached houses in the approximate area of the bend along Knowle Drive. Within this area there is significant change in ground levels and those within the site are substantially lower than Knowle Drive. In order to gain pedestrian access to Knowle Drive a series of steps are proposed. Car parking spaces to the front (north of these semi detached dwellings are proposed) and internal ground floor parking within the town houses. Additionally, a cycle store would be placed within this area.

A row of three storey terrace town houses would be placed in this area adjacent to the bend in Knowle Drive. To the north east of this terrace would be a set of two semi detached two storey properties. In terms of building materials these would feature grey roof tiles, off white render and buff face brick work. The contextual sectional drawings indicate that the ridge height of these buildings would not be above that of the properties along Knowle Drive. As such, these buildings would not appear as overly prominent from surrounding vantage points and compatible with the residential character of its surrounds. In relation to the consented scheme the proposed footprint more closely aligns with the curve of Knowle Drive thereby better addressing this street scene. Due to the differences in levels the massing and scale of the town house terrace would be a betterment over the existing office block. Being residential in character this better compliments the surrounding residential character along Knowle Drive.

Building B is a flint covered building within this character area and was the caretaker accommodation. This building would not be used as a dwelling but rather as a dedicated bat habitat. Along the north section of the building a proposed length of wall is proposed, with bat habitat behind. A porch structure on the west of the building, with external timber, slats are also proposed. Internally all existing ceilings would be treated with a rough textured finish to aid bat roosting.

To the north of Building B would be a standalone purposely built 'Bat Building'. This and building B would appear acceptable within the context of this site.

The Terrace

This character area features the largest blocks of the proposed buildings. Two rectangle shaped blocks of accommodation would be positioned on a north to south axis with a formalised garden area in between. This would provide split storey retirement living plus and retirement living. The south most portion (facing the parkland area) includes a subterranean level which would result in four and five storeys. There is some variety in the roof form to break up the overall mass of these two blocks. Further, the mixture of buff brick and render also aids this by visually breaking up the overall mass. Balconies on the elevations aim to maximise views towards the coastline to the south and also the parkland to the east.

During the consideration of the proposal these two blocks were moved slightly to the north to alleviate pressure on the listed building and parkland setting. This amendment facilitates the inclusion of softer boundary treatments with the parkland to the south.

There is a funnelling of long-distance views southwards to the sea via the open space arrangement between the town main blocks. Particular attention has been paid to the landscaping of the garden element (between the two buildings) to ensure that the original formal garden character of the site is retained and respected.

Overall, in terms of massing and scale, the proposal would be prominent, but that is not to say harm would necessarily arise. The existing structures on site are also prominent, and so too would the approved scheme. Comparative elevational sections have been provided, which demonstrate that in many instances, the overall height, mass and bulk of this scheme are reduced. It is therefore considered that the massing and scale are complementary within this mature parkland setting, which would offer effective screening from medium and long range views outside of the site.

The Provision of Affordable Housing

Affordable housing provision can only be sought in relation to the C3 residential uses, and not the C2 elements. This principle has been established on a number of sites in East Devon and specifically under the existing consent as this was one of the main issues during the appeal.

In accordance with strategy 34 the council should be seeking 50% affordable housing. Policy states that 70% should be provided for rented accommodation (either social or affordable rent) and 30% as shared ownership or similar home ownership product.

The NPPF states that where there is an identified need for affordable housing, planning policies should specify the type of affordable housing required and expect to be met on-site unless;

- (b) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and
- (b) the agreed approach contributes to the objectives of creating mixed and balanced communities.

Strategy 34 of the Local Plan also requires that affordable housing is required to be provided on site unless exempted through government policy or guidance, if it is not mathematically possible or where off-site provision or equivalent value is justified by circumstances such as no registered provider being willing to manage the new affordable units or other planning reasons. The Planning Statement claims that due to the nature of the development, it is difficult for an affordable housing provider to manage stock on site,

On site contributions are not appropriate due to the large areas of communal space including shared lounges and likely service charges for maintenance and gardens. The site and scheme present considerable barriers to a Registered Provider being able to take onsite affordable

housing. Similar situations have been found to be acceptable elsewhere, including on the Cattle Market Site and more recently the Jewson site in Exmouth.

At the time of writing this viability assessment is underway and so this matter has not been resolved. As it stands there is no off site affordable housing contribution offered.

Vacant Building Credit (VBC) was introduced via a Written Ministerial Statement in November 2014 and then introduced into the NPPF 2018 in paragraph 63. Planning Practice Guidance (PPG) states that “national policy provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace.”

The PPG also states that “the policy is intended to incentivise brownfield development, including the reuse or redevelopment of empty and redundant buildings. A ‘relevant’ building for which vacant building credits can apply must not be abandoned. The Guidance suggests other appropriate considerations for the Local Planning Authority when assessing the suitability of a proposal using vacant building credits. In considering how the vacant building credit should apply to a particular development, local planning authorities should have regard to the intention of national policy. In doing so, it may be appropriate for authorities to consider:

- Whether the building has been made vacant for the sole purposes of re-development.
- Whether the building is covered by an extant or recently expired planning permission for the same or substantially the same development.

The applicants claim Vacant Building Credit as part of their planning application and this too is being independently assessed as part of the viability appraisal.

The buildings are themselves clearly vacant and have not been in use over the last four years. The reasoning for vacating these officers included other reasons aside from redevelopment – better and more modern offices with lower overheads and running costs. The extant PP is for C2 use only and no affordable proportion was to come of that. The proposal now for consideration has a significant proportion of C3 units on the same site. However, it must be remembered that the thrust is to incentivise brownfield development and to give weight to the *intention* of national policy – i.e. to incentivise the development of the site, as there exists an existing planning consent in place. The applicant, Porthaven and McCarthy and Stones’ product is decidedly different. These operators have little to no interest in building the site out in accordance with the extant planning consent. That issue aside the proposal now includes a significant proportion of C3 use that was not part of that extant planning consent and for these purposes represents a material difference.

Therefore, the commissioned independent viability assessment and officers have come to the conclusion that vacant building credit is applicable in this instance.

Turning once more to viability the independent appraisal this has concluded that a surplus amount would result such that a claw back clause should be imposed within a s106.

The Effect on Trees

The site is covered by an area Tree Preservation Order ref 56/0001/TPO and contains significant number of valued trees both prominent and important within the local landscape. The site includes a number of mature and attractive trees which form an important part of the parkland. A Tree Preservation Order was made in 1956 which covers the trees that were on the site at that time. It should be noted that the grant of planning permission which requires the removal of any of those trees would 'override' the TPO. Therefore particular attention should be paid to the impact of the development on these.

The planning application is accompanied by a full tree survey and report which has been assessed by the council's Arboricultural officer. His comments on the latest plans include the following:

An amended Tree Protection plan (last amended 29/8/23) shows that 2 chalets to the south of T64 pine have been removed from the scheme. This alteration was welcome from a tree protection standpoint because it allows the good quality T90 sycamore and T91 yew to be retained. Further, it would remove the potential conflict of the dwellings with the large G87 Turkey oak, T66 beech and G86 western red cedars.

The main southern frontage to the T62 Irish yew, T61 sycamore and T64 pine remains. From the submitted elevations some of the proposed living rooms would look out directly into the tree canopies and the level of frustration this may cause, due to impeded views, and so may result in pressure for the trees to be significantly cut back. However, the Council would still have control over this under the TPO that protects the older trees on/adjacent to the site.

The layout of the proposed non-dig footpaths within the RPAs of T64 and T63 has been amended. As previously alluded to within the submission their construction would need to be covered by a detailed arboricultural method statements (AMS), to ensure that any damage or disturbance to the roots during construction is minimised.

A notable Ginkgo is indicated for translocation, rather than being felled. This is a difficult process and would need to be carefully planned and documented to maximise the chances of its success. Therefore, a condition should be imposed to secure this process. Overall, the amendments to the suggested layout as shown on the amended Tree Protection Plan are considered positive from an arboricultural perspective, when compared to the previous iteration.

The majority of the remaining trees are to be retained, notably those alongside the boundary with Station Road, and to the south and east side of the current access drive. While a number of trees would be lost from the lower parkland adjacent to Knowle Drive these are lower quality specimens. Their loss in the context of the wider parkland is not considered to be significant given that the more prominent trees are within the upper areas of the gardens outside of the application site.

Overall the impact of the proposed development based on the layout is considered to be acceptable. It is clear that the site can accommodate the proposed development in a manner that need not lead to significant harm to or loss of notable trees. Accordingly, subject to conditions, the proposal is considered to comply with policy D3 of the Local Plan.

The Effect on Heritage Assets

In accordance with the statutory duty set out in Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, special regard should be had to the desirability of preserving listed building or its setting or any features of special architectural or historic interest which it possesses. To the south of this area, but outside the application site, is 'The

Summerhouse'. This is the remains of an old gothic summerhouse made from flint rubble and incorporating some shell work. This structure is Grade II listed for its curiosity value.

Amendments have taken place during the processing of this application to set back the front facade of the closest building to respect further the setting of this heritage asset. It was made clear during the previous appeal that the setting of this historic 'curiosity' should be respected.

It is noted that the 2no. chalet bungalows originally proposed to the south west of the Summerhouse, have now been omitted and this is welcomed by the conservation officer. In addition, the revised scheme has been pushed back away from the Summerhouse and is more in line with the previous Inspectors decision.

Specifically in relation to the previous scheme under 16/0872/MFUL, the Inspector concluded that there would be no harm to the significance of the heritage assets, and its setting preserved. In the light of the revisions, keeping a separation distance similar to that previously approved, is acceptable. To ensure the preservation of the setting of the heritage asset, the listed structure will need to be protected during any works to ensure its stability and thought given to its future ownership, maintenance and interpretation within the parkland setting. As before it would again appear reasonable to condition a scheme for the interpretation of the Summerhouse to be submitted.

Taken the above into account and giving considerable importance and weight to the setting of the listed building, the proposal is not considered to result in harm. The proposal accords with policies EN8 and EN9 of the local plan and no objection is raised by the conservation officer.

Effect on Surface Water Drainage and the Foul Water Drainage System

Surface Water - The National Planning Practice Guidance sets out The Hierarchy of Drainage to promote the use of Sustainable Drainage Systems, by aligning modern drainage systems with natural water processes. The aim of Hierarchy of Drainage is to drain surface water run-off as sustainable, as reasonably practicable. In order of preference;

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system*;
4. to a combined sewer

Surface water run off should be disposed of as high up the hierarchy as is reasonably practicable and applicants must demonstrate, in sequence why the subsequent discharge destination was selected.

The applicant has discounted the use of infiltration techniques due to the poor infiltration rates from the ground site investigations carried out in June 2016. DCC Lead Flood team have not raised doubt over this. There is limited space to incorporate above ground SuDS features such as swales or bioretention areas. Given the proposed use of the site and potential limited mobility of users such features in green spaces were not considered desirable.

In terms of surface water drainage onsite underground crate systems would control the surface water flow with underground attenuation tanks. With regards to the terrace and plateaux areas of the proposed development the restricted surface water flow would connect to a public water sewer under the property of Hardwood Dale and Camellia. This surface water sewer is owned by SWW.

The applicant has submitted a revised McCS Sidmouth Flood Risk Assessment & Drainage Strategy Report (Report Ref. 2042-FRA&DS-01, Rev. v4, dated September 2023) covering

'Retirement Living Plus' extra care development by McCarthy Stone at the southern part of the site referred as 'The Plateau' and Proposed Drainage Strategy Knowle Drive, Sidmouth (Report Ref. RN/10980, Rev. v1.1, dated 17th February 2023) covering the care home by Porthaven, referred to as 'The Dell'.

According to the first report, the total peak flows previously discharging from the site are 56l/s north easterly, 33l/s easterly and 58l/s southerly with a total peak outflow of 147l/s leaving the site. The report retains the principals of the previously consented FRA and strategy under planning consent 16/0872/MFUL. The previous approved scheme was to discharge a total of 73.5l/s (50% betterment to the existing peak discharge, 28l/s to the North connecting at Station Road and 45.5l/s discharging south at the Knowle Drive connection point).

This revised drainage strategy aims to provide further betterment by restricting the surface water flows to the 1 in 100-year greenfield runoff rate of 8.8l/s via cellular attenuation tanks and permeable paving. The estimated storage capacity of 440m³ is required. It is proposed to discharge the flow into South West Water (SWW) surface water network at Knowle Drive before discharging into the watercourse.

The Porthaven Care Homes site would restrict the flow to 2.1l/s, a betterment of approximately 54l/s. It is intended to keep the existing site access road to drains to its verges, but small area would drain onto the Porthaven Care Homes site where new parking and access is proposed. This would now drain onto areas of permeable paving.

SWW are aware that connection points are required and consider the proposal would lead to a 50% betterment to the existing site discharge. SWW have their own regime to approve such connections. As SWW are the operator of their own system it is they that would have in-depth knowledge of these systems – capacity and condition - and so weight is given to their views on such matters concerning their own infrastructure. It is worthy of note that within SWW consultee response they are aware that they erroneously referred to surface water disposes to be via ground infiltration instead of their own infrastructure. Upon clarification no objections were raised by SWW to use their surface water systems.

Foul Water - Many of the letters of objection have focussed on concern regarding the capacity of the foul drainage system (as well as surface water). A new foul water drainage network will be required to service the proposed development. The new network would collect and convey foul water discharge from the development to a new connection point on the public SWW network. The new foul drainage constructed will have two offsite discharge points. Porthaven will discharge to the combined Sewer located to the north east on Station Road. The McCarthy & Stone foul drainage would discharge to the public combined sewer located to the south within Knowle Drive. According to the submitted information 147l/s of existing peak surface water flows would be removed from discharging to the combined sewerage system.

SWW have been consulted on this proposal and have not raised any concerns that the existing foul or surface water system is at capacity or would be compromised by the development proposed.

Ultimately it is the LPA, in consultation with the relevant authorities, that must consider the appropriateness of the drainage.

In this case there is no objection from either the DCC Lead Flood Team or SWW taking into account the evidence of infiltration rates and proposed methods of drainage. The evidence submitted with this planning application has demonstrated that the connections satisfy the drainage hierarchy requirements meaning that this represents an appropriate method of drainage.

Ongoing discussion have been taken place with DDC Lead Flood Team to ensure that surface water is properly disposed of in line with the aims to meet sustainable urban drainage systems. Ultimately an acceptable solution has now been arrived at. The DCC Lead Flood Team have no in-principle objections to the proposed development at this outline stage, assuming that the following pre-commencement planning conditions are imposed on any approved outline permission.

The development satisfactorily conforms to Policy EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan, subject to conditions.

The Effect on Ecology

The proposed ecological avoidance, mitigation, and enhancement measures (subject to the recommended conditions below), and indicative biodiversity net gain calculations are considered acceptable and proportionate.

ODPM Circular 06/2005 states: "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision."

The planning application is supported by detailed ecological survey reports spanning several years, including updated surveys of the site following a fire in Building A, which has destroyed a day/hibernation roost used by lesser horseshoe bats, and common pipistrelle and brown long-eared bat day roosts.

In terms of protected species within the site;

Badgers

Three separate badger setts have been identified within the survey area. In 2022, signs of current badger activity are widespread across the entirety of the site, including numerous well-worn tracks and snuffle-holes indicating foraging activity.

Bats

Bats are a key ecological receptor at the site, therefore a detailed Bat Ecological Impact Assessment and Mitigation Strategy has been prepared by EPR (EPR, 2023). Building B supports an important roost for Lesser Horseshoe bats, roosting in the building year-round, including maternity and hibernation. Bat roosts are present in three of the main buildings, in addition to the depot building located to the south of the main building complex. This includes a significant lesser horseshoe bat *Rhinolophus hipposideros* roost.

Bat Activity

The site provides a range of habitat features utilised by bats. The trees and grassland continue to provide important bat foraging and commuting habitat, in particular for the bats associated with the notable bat roosts present on site.

Birds

The buildings, mixed plantation woodland, mature trees and several areas of dense introduced shrub present within the site are considered to provide potential habitat for nesting birds, likely to be common species associated with built development and parkland.

Dormice

The mature mixed woodland present on site is isolated from suitable habitat in the surrounding area by the residential areas of west and north Sidmouth. The habitat structure and species

present provide low foraging potential and therefore it is considered unlikely that that this species is present.

Great Crested Newts

The site is now located within a Devon Great Crested Newt Consultation Zone; this is a 5km buffer around historical records of great crested newt *Triturus cristatus*. If a site is located within this zone, the potential presence of great crested newts must be considered. There are no ponds located within the survey area, and Ordnance Survey mapping indicates that there is a single pond within a 500m radius of the site which no longer holds water. Therefore, no further action is required under the Devon County Council guidelines.

Reptiles

The intensively managed amenity nature of the parkland which dominates the survey area provides sub-optimal habitat for reptile species. However, the grassland within the construction compound became long at the start of 2022, due to cessation of regular mowing. It was identified that the habitat had developed the potential to support reptiles, particularly on the south-facing banks to the south of the buildings.

As noted above the presents of bats onsite are an established feature. Building B which forms the flint walled section previously known as Knowle Cottage supports a large maternity roost for lesser horseshoe bats within the basement or bat cave and a small non- breeding roost for lesser horseshoe bats within the roof space. For this reason it is proposed to retain Building B as part of the redevelopment of the site and gives its sole purpose to the housing of bats.

The site (primarily Building B and the linking structure of Building C) supports a historic and significant lesser horseshoe bat maternity and hibernation roost, as well as a greater horseshoe bat day roost. The roost is considered of Regional importance and is considered as an 'Other roost' in accordance with Beer Quarry and Caves HRA Guidelines (Devon County Council, 2022). The submitted reports, including a details lighting plan, are considered sufficient in detail and scope. The general mitigation measures, including the full retention of 'Building B' and retaining wall of 'Building C' as a dedicated bat roost and the provision of a dedicated bat house are also considered generally acceptable, as are the proposed working methodologies.

The most recent surveys appear to indicate the void between Building B and C is a primary access location, light sampling area, and occasional roost for horseshoe bats. From the submitted drawing (ref: SO- 2699- 03- AC-2510- E- Building B Proposed Elevations) it is hard to determine whether this void remains open-fronted or is covered over and appears the void has narrowed from the existing width. The drawing also indicates bat access points on the northern elevation of the retaining wall, c. 3.8-4.7 m above ground. It is accepted these are indicative and a detailed design would need to be provided for any European Protected Species Licence (EPSL). It is also accepted there are other free-flight access locations for lesser horseshoe bats indicated around the building.

In accordance with the Lesser Horseshoe Bat Conservation Handbook, access points for a lesser horseshoe bat maternity roost should be 2,5000 cm², e.g., 50 cm x 50 cm and best located near the ground. Therefore, some form of suitable entrance should be provided on the east elevation of the void between Building B and the new retaining wall (unless this area is open-fronted). Other general mitigation measures including access appear suitable.

Lesser horseshoe bats are an extremely light adverse species, with recent lighting guidance suggesting that lighting levels for where darkness is required, e.g., for lesser horseshoe bats,

that levels at or below 0.2 lux on the horizontal plane, and at or below 0.4 lux on the vertical plane are imposed.

Devon County Council guidance states "For major developments (which will generally have greater impacts on bat flight lines) there should be a minimum width of 10m of open grassy corridor maintained next to a natural linear feature such as a hedge..." and "The corridor must be as dark as possible but a maximum of 0.5 lux (Stone, 2009/2012) as shown on a horizontal illuminance contour plan, measured at 1.5m and at the height typically flown by any other relevant light sensitive species".

It is accepted that due to the existing buildings on the site that a 10 m dark corridor would be likely unfeasible to implement, e.g., some buildings are 8.5 m from the east boundary.

It has also been noted that a proposed design change to the RLP building would increase lighting levels about 0.5 lux on some areas including the access to the basement and east boundary hedgerow. It has also been stated that despite this, that compared to historic lighting levels when the site was active in 2016 this would be a betterment and that horseshoe bats were habituated to the previously increased lighting levels, which is a compelling argument.

It should also be noted the peak count of lesser horseshoe bats recorded on the site both during the maternity period (June 2019) and hibernation period (January 2023) was since the site has ceased to be operational and external lighting largely minimised or not in use. Despite the proposed design being a likely betterment above 2016 conditions, the site already has extant planning consent and is reasonable to use the current baseline of the site.

The resulting predicted increase in lux levels above levels at this stage is considered to have an adverse effect on bats correspond to proposed movement of the RLP block after March 2023, after the fire in Building A. As the previous lighting strategy already indicated there were likely areas over the site above lighting threshold levels, some clarity is required on the absolute need for this design change. Members shall be updated in this regard at the committee meeting.

It is also necessary to consider the effect of the development on European designated Special Areas of Conservation, in this case not only the Pebblebed Heaths but also the Beer Quarry Caves. Natural England within the Consultation response have highlighted this.

The supporting documents (Devon Wildlife Consultants, June 2023, and September 2023, reports 22/3943.02 rev 02/03) consider the potential impacts on European designated sites including Sidmouth to West Bay Special Area of Conservation (SAC), and the East Devon Pebblebed Heaths SAC/Special Protection Area (SPA). No predicted significant impacts are considered on the qualifying features of these sites, subject to standard contributions to mitigate impacts on the East Devon Pebblebed Heaths.

The site is located within an SAC Landscape Connectivity Zone for greater horseshoe bat, lesser horseshoe bat and Bechstein's bat associated with Beer Quarry and Caves SAC. The building present within the site has also been designated an 'Other lesser horseshoe bat Maternity Roost within a Landscape Connectivity Zone'. The Devon Wildlife Consultant report and refers to the Ecological Impact Assessment - Addendum (EPR, 2023) in terms of potential impacts on the roosts and commuting routes/foraging habitats associated with the development.

The addendum report indicates the Devon Wildlife Consultant report would detail information regarding a Habitat Regulation Assessment (HRA). However, neither report explicitly screens the out potential impacts on the SAC nor considers whether a HRA to the Appropriate Assessment (AA) stage is required to address the impact on the Beer Quarry caves.

Therefore, the application should be supported by a screening assessment for potential impacts on the Beer Quarry SAC, and if a likely significant effect (LSE) cannot be ruled out, an AA detailing the mitigation measures to ensure no LSE. Ashadow HRA, as described within the Beer Quarry and Caves Special Area of Conservation guidance (October 2022) has been submitted for our assessment. Following a period of consultation with Natural England where no comments were forthcoming this shadow HRA has been formally adopted and can be found at appendix 1.,The AA at the end of this report specifically deals with the impact on the Pebblebed Heath SAC.

These AA conclude that adverse effects to the SACs can be ruled out and therefore this does not weigh against the scheme.

Derogation tests

Given that bats were found to use the hedgerow and trees, and further that badgers may use the site for commuting and foraging it is likely that a Natural England Licence will be required., It is necessary therefore to consider these aspects in light of the derogation test. Natural England can only issue a licence if the following tests have been met:

- the development is necessary for preserving public health or public safety or other imperative reasons of overriding public interest;
- there is no satisfactory alternative; and
- the action will not be detrimental to maintaining the population of the species concerned at a favourable conservation status in its natural range.

Whilst decision makers should have regard to the 3 tests above it should be noted that the LPA is not expected to duplicate the licensing role of NE. An LPA should only refuse permission if the development is unlikely to be licensed pursuant to the derogation powers and Article 12 of the Habitats Directive was likely to be infringed.

In terms of public interest this proposal as a matter of principle accords with the national level of significantly boosting housing supply from which some economic and social benefits could accrue. Alternative scenarios are not easily discernible, however, improving the biodiversity of the site would occur through recommendations of the ecology report and Biodiversity Net Gain. Given what has been reported for this site, the fact suitable mitigation measures are proposed, and both of these elements have been found acceptable once before there is no reason why a license would not be issued or why Article 12 would be infringed.

As a consequence, there is no reason to suggest that, from the LPA's perspective, the proposal would be likely to offend article 12 of the Habitat Directive or that a licence would be withheld by Natural England as a matter of principle.

Based on the information received and proposed mitigation measures the council ecologist raises no objection. Taking into account all of the above the proposal is considered to accord with policy EN5 of the East Devon Local Plan, the NPPF and reflective of guidance within circular 06/2005.

The Effect on Highways and Provision of Parking

The site has a precedent benchmark trip generation consisting of the number of vehicular trips which occurred during the sites use as the East Devon District Council Office use. The development consists of a large element of elderly care dwellings which typically produces

lower trip generation than that of open market dwellings and that vehicular trips from this development would not exceed the benchmark. The planning application includes a comprehensive Framework Travel Plan, which includes reducing the number of vehicular accesses to the site, improvements to a bus stop on the B3176 and secure cycle storage provision, in addition to a Travel Plan Co-ordinator which will inform and promote sustainable travel options to new residents along with administering discounted cycle wear.

The site layout allows sufficient space for off-carriageway turning and parking. Overall, the County Highway Authority (CHA) has no objections for this proposal, though it does recommend the provision of a Construction and Environment Management Plan (CEMP) to mitigate the effect of construction upon the local highway network.

The CHA has also reviewed the re-consultation of the amended drawings, the removal of two dwellings would help to decrease the trip generation from this sites re-development, albeit slight, this does result in a predicted 10 fewer vehicle trips over the 12-hour period compared to the original re-development. The re-alignment of the internal access road, has had renewed fire and refuse vehicle swept path plans produced, showing successful manoeuvre. The back access onto Knowle Drive would be pedestrian only with bollards adjacent to Heathers Cottage.

The C2 use within the Dell areas of the development would provide 29 parking spaces which considered adequate provision. In terms of parking provision for the rest of the site 68 spaces are to be provided – meeting the expected quantum for the 40 c3 units. The amount of car parking spaces to be provided is likely to discourage on street parking and the CHA retains its stance of no objection.

Given the above this proposal is considered to comply with policies TC7 and TC9 of the local plan.

Mitigating the Impact of the Development on Infrastructure

Aside from the affordable housing (discussed above) the proposal has the potential to impact on infrastructure requiring mitigation. The following is suggested to be included within any legal agreement;

1. Occupation restriction on the C2 units, the requirement for the health assessment of occupiers, care agency commitment.
2. Retention of permissive paths
3. Relocation of the Ginko Tree
4. Landscaping works and long term maintenance
5. Viability reassessment and overage cap - to allow the reassessment and subsequent 'claw back' of an off site mitigating contribution if greater than anticipated profit is realised

The NHS have been consulted twice on this proposal but have not responded to date.

Given the above the officer recommendation of any approval this would be subject to the completion of such a legal agreement.

Other Matters

Flood Risk

The application has been accompanied by a Flood Risk Assessment due to the scale of the proposed works. The site does not fall within an area at high risk of flooding. The report considers the impact of the development on existing flood defence matters and downstream flood areas as well as the risk of on-site flooding. The FRA report concludes that as well as not being at risk from flooding itself the development would not displace any flood water which could increase flood risk to other properties. The proposal accords with policy EN22 of the local plan.

Amenity

To the north of the plateaux area are the properties known as Hillcrest, Pippins, Bluehayes and Old Walls, amongst other properties, which could be affected by the proposal in terms of amenity. There is a significant change in levels within this area meaning the windows of the proposed terrace of town houses and pair of semi's do not have windows at first floor which overlook private amenity area of these surrounding properties. Given the distance and difference in grounds levels the proposed residential development in this area would not appear as dominant or overbearing on the surrounding occupants.

With regards to the terraced areas the properties of Chestnuts, Cotsworld, Knolwe House, Westgate and Southgate are positioned to the west. The balconies on the south facing face of the western most block could provide oblique views to the west. Further, along the flank wall of this same block are also windows. Whilst the ends of these adjacent gardens are situated relatively close to this block the areas of garden close to the neighbour dwellings themselves are in excess of 30 metres. At these distances, whilst it is a balanced consideration, unacceptable levels of overlooking are not likely to occur.

Within the Dell area and the Porthaven development the north elevation proposed terrace area features an external access, via an external staircase. This area would provide access for occupiers, branching off from communal area. In terms of intervening distance between these northern outside terrace area and the off site neighbouring properties to the north this is approximately 30 metres – with intervening boundary trees also offering some screening. However, it is considered reasonable for details of a privacy screen for these north facing outside terrace areas to be conditioned in order to ensure that there do not give rise to unacceptable levels of overlooking.

Weight should also be given to the fact the council offices occupied similar areas and also the fallback position of the previous planning application. Given the above the proposal is considered to comply with policy D1 which seeks, in part, to ensure development does not adversely affect amenity of occupiers of adjoining residential properties.

Contaminated Land and Demolition Phase

Concern has been raised with regards to the demolition of the now fire damaged buildings. This includes issues surrounding means of access of vehicles and the potential environmental health impacts.

Essentially the LPA can still control this element of the proposal as the demolition would directly result from the implementation of a planning consent. In line with the suggested condition of Environmental Health, and a construction management plan it would be possible to consult with Environmental Health and Highways to ascertain if there are any concerns born through the demolition phase.

Whilst there may be some loss of public access to the grounds during the construction phase this would only be temporary and not endure in the long term.

The Planning Balance

The previous extant planning consent established the principle of the redevelopment of this site. The proposal now for consideration whilst maintaining the broad character area now seeks to change the layout and type of accommodation provided.

After assessing the development, the proposal is considered to have an acceptable design and impact on the character and appearance of the area. From the outside of the site, from medium and long range views, the development would be perceptible but no harm would be forthcoming.

The proposal would involve increasing the intensity of the use on the site by introducing additional dwellings above those previously consented. However, the site can accommodate the quantum of dwellings proposed without appearing cramped or impinging unduly on the boundaries of the site.

In terms of ecology the proposal has made an effort to provide for bats with specific buildings solely for this purpose. The impact on the Pebblebed Heath European designated sites can be mitigation via a contribution with consideration over the impact on the Beer Quarry Caves ongoing.

While some trees would be lost these do not significantly contribute to the character of the area and the tree officer considers the proposal a betterment compared to the previous scheme.

The applicant has submitted a surface water drainage scheme that has demonstrated that the infiltration rates within the site are not sufficient, with above ground attenuation also not being found appropriate. Foul and surface water would therefore enter (separately) the SWW drainage system with surface water being attenuated. SWW have not objected to the proposal or claimed capacity issues. Further, surface water appears to show betterment with discharge rates compared to that of the extant planning consent. There are no objections raised in this regard.

The parking and trip generation resulting from the development and impact on the wider highway network have been found acceptable, and there is no objection from the County Highway Authority. Conditions during the construction phase can ensure that this is carried out in an acceptable manner.

Amendments have been made to provide suitable space of the listed summerhouse to the satisfaction of the conservation officer and no harm would be forthcoming.

The council cannot demonstrate a 5-year supply of housing within the district. The latest annual monitoring report demonstrates that the supply of housing has not improved, and the proposal would include a portion of C3 units towards meeting this deficit. Therefore, the tilted balance expressed within the NPPF at para 11 is engaged. However, no conflict with the development plan has been identified.

In addition to the provision of C3 accommodation the inclusion of an extra care housing would meet the needs for such housing in the district, alongside the associated job creation that would occur.

Retention of Building B solely for protected species habitat and the provision of a heritage interpretation board all weigh cumulatively in favour of the development.

The NPPF at paragraph 120 states that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs and to promote and support the development of under-utilised land and buildings. The redevelopment of this site would accord with these national aims.

Taking all of the above into account the proposal would accord with the development plan and as such a recommendation for Members to make a resolution of approval is made.

Appropriate 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. Despite the introduction of the Community Infrastructure Levy (CIL) where a proportion of CIL goes towards infrastructure to mitigate any impact upon habitats, contributions towards non-infrastructure mitigation are also required as developments that would impact on a protected habitat cannot proceed under an EU directive unless fully mitigated. Evidence shows that all new dwellings and tourist accommodation within 10 kilometres of the Exe Estuary and/or the Pebblebed Heaths Special Protection Areas (SPA's) will have a significant effect on protected habitats which is reflected in Strategy 47- Nature Conservation and Geology of the Local Plan. This proposal is within 10 km of the Exe Estuary and the Pebblebed Heaths and therefore attracts a habitat mitigation contribution towards non-infrastructure at a rate of £367.62 per dwelling which would be secured alongside this application. The Ecology report confirms that this would be paid via a unilateral undertaking.

On this basis, and as the joint authorities are work 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 to the Pebblebed Heaths.

Members should note that an Appropriate Assessment with regards to the Beer Quarry Caves SPA is conducted separately and can be found at appendix 1

RECOMMENDATION

Resolve to APPROVE subject to the completion of a legal agreement, adoption of the Appropriate Assessments and subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. No development (including any demolition and site preparation works) shall take place until a phasing plan has been submitted to and agreed in writing. The plan shall detail site set up requirements, a programme for demolition and construction and landscaping works as necessary. It shall demonstrate a full regard for the requirements of the other conditions attached to this planning permission and importantly the ecological constraints on the site. The plan shall be adhered to for the duration of the development unless revisions are previously submitted to and agreed in writing by the Local Planning Authority.
(Reason – To ensure that the development is carried out in an appropriate manner and in the interest of ecological interest, in accordance with policies EN5 (Wildlife Habitats and Features) and EN14 (Control of Pollution) of the East Devon Local Plan).
4. Prior to the commencement of development or other operations being 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 construction machinery) a detailed Arboricultural Method Statement (AMS) containing a Tree Protection Scheme and Tree Work Specification based on the submitted reports under reference 1838-KC-XX YTree Protection Plan 01 Rev C and 1838-KC-XXY Tree Survey and Impact Assessment Rev C shall be submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the agreed AMS. The AMS shall include full details of the following:
 - a) Implementation, supervision and monitoring of the approved Tree Protection Scheme.
 - b) Implementation, supervision and monitoring of the approved Tree Work Specification by a suitably qualified and experienced arboriculturalist.
 - c) Implementation, supervision and monitoring of all approved construction works within any area designated as being fenced off or otherwise protected in the approved Tree Protection Scheme.
 - d) Timing and phasing of Arboricultural works in relation to the approved development.
 - e) Provision for the keeping of a monitoring log to record site visits and inspections along with: the reasons for such visits; the findings of the inspection and any necessary actions; all variations or departures from the approved details and any resultant remedial action or mitigation measures.

On completion of the development, the completed site monitoring log shall be signed off by the supervising arboriculturalist and submitted to the Planning Authority for approval and final discharge of the condition. In any event, the following restrictions shall be strictly observed:

- (a) No burning shall take place in a position where flames could extend to

within 5m of any part of any tree to be retained.

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

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

(Reason: To ensure the continued wellbeing of retained trees in the interests of the amenity of the locality, in accordance with policy D3 (Trees and Development Sites) of the East Devon Local Plan).

5. 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, 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 the continued wellbeing of retained trees in the interests of the amenity of the locality, in accordance with policy D3 (Trees and Development Sites) of the East Devon Local Plan).

6. Full details of the method of construction of hard surfaces in the tree protection areas (identified in the Tree Protection Scheme) of trees to be retained shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of any development in the relevant phase (excluding site clearance and demolition). The method shall adhere to the principles embodied in BS 5837:2012 and AAIS Arboricultural Practice Note 1 (1996). The development shall be carried out strictly in accordance with the agreed details.

(Reason: To ensure the continued wellbeing of retained trees in the interests of the amenity of the locality, in accordance with policy D3 (Trees and Development Sites) of the East Devon Local Plan).

7. The Ginkgo Biloba (maidenhair tree) identified as T68 shall have been fully relocated to an agreed location before development commences in respect of either of the two apartment blocks for 'retirement living' and 'retirement living plus' (and for the avoidance of doubt this excludes demolition and site preparation works and any works associated with the care home element of the development). The relocation shall be undertaken in accordance with a detailed method statement setting out all preparation works necessary, a prescribed timetable for the works and details of the recipient site including details of its preparation.

All preparation work shall be undertaken in accordance with the agreed method and timetable. For the avoidance of doubt the tree shall be subject of suitable protection as

prescribed under Condition 4 until the point of its relocation and subject to any site preparation as identified as necessary.

(Reason: To ensure the continued wellbeing of retained trees in the interests of the amenity of the locality, in accordance with policy D3 (Trees and Development Sites) of the East Devon Local Plan).

8. The proposal shall be carried out in accordance with landscape management documents and landscape plans listed at the end of this notice. The landscaping scheme shall be carried out in the first planting season after commencement of the development in the respective phase unless otherwise agreed in writing by the Local Planning Authority and shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.
(Reason - To preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D2 - Landscape Requirements of the East Devon Local Plan).
9. Details of all garden furniture located outside of the areas that would function as private gardens on plan reference, SO- 2699- 03- AC-0002- E- Proposed Site Plan, but otherwise identified within the site boundary shall be submitted to and approved in writing by the Local Planning Authority and installed prior to the first occupation of the relevant phase of development. The furniture shall be provided in accordance with the agreed details and shall be maintained for the lifetime of the development unless agreement to any variation is first obtained from the Local Planning Authority in writing.
(Reason - To preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D2 - Landscape Requirements of the East Devon Local Plan).
10. Prior to the first occupation of any apartment in the retirement living plus accommodation blocks, a detailed scheme for the interpretation of the Folly (Summerhouse) shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details and design of any structure used for interpretation purposes, the design appearance and layout of information and siting/mounting of any approved structures. The scheme shall be provided in full in accordance with a detailed timetable which shall also be included within the submission and retained for the lifetime of the development.
(Reason – To ensure that the development preserves the setting of a listed building, in accordance with policy EN9 (Development Affecting a Designated Heritage Asset) of the East Devon Local Plan).
11. Before development shall be commenced in any particular phase as established by the agreed phasing plan under condition 3 (and for the avoidance of doubt this excludes demolition and ground preparation works), a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external walls and roofs of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
(Reason - To ensure that the materials are sympathetic to the character and appearance of the area in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan and Policy 1 Sid Valley Development Principles of the Sid Valley Neighbourhood Plan).

12. No development above DPC level shall be commenced in any particular phase as established by the agreed phasing plan under Condition 3 until large scale detailed drawings (typically 1:20) of the following components have been submitted to and approved in writing by the Local Planning Authority.

- Window and external door details including typical sections through glazing bars mullions and transoms
- Eaves soffit and fascia details
- Balcony detailing
- Screens
- Canopies
- Junctions between external facing materials

Development shall be carried out in accordance with the approved details.
(Reason - To ensure that the materials are sympathetic to the character and appearance of the area in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan and Policy 1 Sid Valley Development Principles of the Sid Valley Neighbourhood Plan).

13. Details of the final position, size and nature of all externally mounted vents, flues and meter boxes shall be submitted to and agreed in writing by the Local Planning Authority prior to their installation in each phase. The development shall only be undertaken in accordance with the agreed details.

(Reason - To ensure that the materials are sympathetic to the character and appearance of the area in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan and Policy 1 Sid Valley Development Principles of the Sid Valley Neighbourhood Plan).

14. The terrace areas on the north elevation of 'the Dell', C2 use class residential development, shall be fitted with privacy screens, details of which shall have been submitted to and approved in writing by the Local Planning Authority prior to installation. The screens shall be fitted in accordance with the approved details prior to the first use of the accommodation and shall be retained for the lifetime of the development.

(Reason – In order to ensure that the terrace areas do not give rise to an unacceptable level of overlooking, in accordance with policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan).

15. Prior to the first occupation of each individual dwelling at least 1 parking space and its associated vehicle access route (or 50% of the parking for the care home phase) shall have been properly formed, surfaced and be accessible for use by the respective occupiers.

(Reason – To ensure that the development has appropriate parking provision, in accordance with policy TC9 (Parking Provision in New Development) of the East Devon Local Plan).

16. No development above DPC (damp-proof course) level shall take place until details of covered cycle parking/storage has been submitted to and agreed in writing by the Local Planning Authority in each phase. The cycle parking storage provision shall be delivered and made available for use prior to the first occupation in the respective phase of development. The provision shall thereafter be retained for that purpose.

(Reason – To ensure that the development is accessible to a range of transportation

methods, in accordance with policies TC2 (Accessibility of New Development) of the East Devon Local Plan).

17. Prior to the first occupation of any accommodation hereby permitted the proposed improvements to existing bus stop facilities in the vicinity of the site access to Station Road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, shall be constructed and laid out in accordance with the application drawings, unless otherwise agreed with the Local Planning Authority.

(Reason – To ensure that suitable traffic management is in place, in accordance with policies TC2 (Accessibility of New Development), TC4 (Footpaths, Bridleways and Cycleways) and TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan.

18. Prior to the occupation of any part of the development the existing northwestern access from Knowle Drive to the site shall have been closed to motorised vehicles (with the exception of mobility scooters or electrically assisted bicycles) in a manner which shall previously have been approved in writing by the Local Planning Authority.

Prior to the occupation of any part of the development the existing southern access from Knowle Drive to the site shall have been closed to motorised vehicles (with the exception of mobility scooters, electrically assisted bicycles, refuse collection vehicles and emergency vehicles), in a manner which shall previously have been approved in writing by the Local Planning Authority.

(Reason – To ensure that the surrounding network is not adversely affected by the development, in accordance with policy TC7 (Adequacy of Road Network and Site Access).

19. The development shall be carried out in accordance with 'The Travel Plan submitted 19th September 2023' ref; 20142-FTP-05 (AMENDED) conducted by Jubb. The approved Travel Plan shall be implemented before first occupation and for each and every subsequent occupation of the development and thereafter maintained and developed to the satisfaction of the Local Planning Authority.

(Reason – To ensure that the development implements long term management strategies for the integration of sustainable travel methods, in accordance with guidance within the National Planning Policy Framework).

20. Prior to the first occupation of any accommodation in each phase, a Refuse Storage Area Management Strategy for that phase shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall address how risks of odour and pest attack shall be addressed and how the storage areas will be kept clean, tidy and secure. The approved strategy shall be implemented and retained for the lifetime of the development unless a variation to it is previously agreed in writing by the Local Planning Authority.

(Reason – To ensure that the development does not give rise to unacceptable pollutant impacts, in accordance with policy EN14 (Control of Pollution) of the East Devon Local Plan).

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

- (a) the timetable of the works;
- (b) daily hours of construction;

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

(Reason – To ensure that the development does not give rise to unacceptable pollutant impacts and that the construction phase does not cause unacceptable disruption to its surrounds, in accordance with policy EN14 (Control of Pollution), D1 (Design and Local Distinctiveness) and TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan).

22. No development hereby permitted shall commence (excepting demolition and site clearance for the instances listed below however not including paragraph b) until the following information has been submitted to and approved in writing by the Local Planning Authority:
- (a) A detailed drainage design based upon the approved McCS Sidmouth Flood Risk Assessment & Drainage Strategy Report (Report Ref. 2042-FRA&DS-01, Rev. v4, dated September 2023) and Proposed Drainage Strategy Knowle Drive, Sidmouth (Report Ref. RN/10980, Rev. v1.1, dated 17th February 2023)
 - (b) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.
 - (c) Proposals for the adoption and maintenance of the permanent surface water drainage system.
 - (d) A plan indicating how exceedance flows will be safely managed at the site.
 - (e) A detailed assessment of the condition and capacity of any existing surface water drainage system/watercourse/culvert that will be affected by the proposals, the scope of which shall first be agreed in writing with the Local Planning Authority in consultation with the Lead Local Flood Authority. The assessment should identify and commit to, reasonable repair and/or improvement works to secure the proper function of the

surface water drainage receptor which is reasonable and apportioned to the proposed development to an agreed timetable.

Development shall take place in accordance with the approved details.

No on-site development shall commence until all off-site drainage works approved pursuant to this planning condition have been implemented in full.

All permanent on-site drainage shall be provided prior to occupation or use of the development to which they relate. Construction phase drainage shall be provided in accordance with the approved timetable

(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 conditions 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).

23. No development shall take place until a Construction and Ecological Management Plan (CECoMP) has been submitted to and approved in writing by the local planning authority. The CECoMP shall include the following.
- a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication, including reporting compliance of actions to the LPA
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW), including any licence requirements.
 - h) Use of protective fences, exclusion barriers and warning signs. The approved CECoMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

(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 East Devon Local Plan).

24. No development except demolition and works to the main site access shall take place until a site levels/external works plan at 1:250 scale or greater indicating existing and proposed ground levels, finished floor levels and showing the extent of earthworks and any retaining walls, tanking or underbuild, including heights and materials has been submitted to and approved in writing by the Local Planning Authority. This shall be accompanied by at least 6 sections through the site at scale of 1:100 or greater clearly showing existing and proposed ground level profiles across the site and relationship to surroundings. Development shall take place in accordance with the approved details.

(Reason: In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Strategy 3 (Sustainable Development), Strategy 5 (Environment), Policy D1 (Design and Local Distinctiveness), Policy D2 (Landscape Requirements) and Policy D3 (Trees in relation to development) of the East Devon Local Plan. The levels and external works scheme is required to be approved before development starts because groundworks are one of the first parts of the development works.

25. No development above DPC (damp proof course) level shall commence for each agreed phase until the following information has been submitted and approved:
- a) A full set of hard landscape details for proposed walls, hedgebanks, fencing, retaining structures, pavings and edgings, site furniture and signage.
 - b) A full set of soft landscape details including:
 - c) Planting plan(s) showing locations, species and number of new tree, shrub planting, type and extent of new amenity/ species rich grass areas, existing vegetation to be retained and removed.
 - ii) Plant schedule indicating the species, form, size, numbers and density of proposed planting.
 - iii) Soft landscape specification covering soil quality, depth, cultivation and amelioration; planting, sowing and turfing; mulching and means of plant support and protection during establishment period together with a 5 year maintenance schedule.
 - iv) Tree pit and tree staking/ guying details

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Strategy 3 (Sustainable Development), Strategy 5 (Environment), Policy D1 (Design and Local Distinctiveness), Policy D2 (Landscape Requirements) and Policy D3 (Trees in relation to development) of the East Devon Local Plan. The landscaping scheme is required to be approved before development starts to ensure that it properly integrates into the development from an early stage.)

26. No development shall take place until a Landscape and Ecology Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority which should include the following details:
- Extent, ownership and responsibilities for management and maintenance.
 - A description and evaluation of landscape and ecological features to be created/ managed and any site constraints that might influence management.
 - Landscape and ecological aims and objectives for the site.
 - Detailed maintenance works schedules covering regular cyclical work and less regular/ occasional works in relation to:

- o Existing trees, woodland and hedgerows.
- o New trees, woodland areas, hedges/ hedgebanks and scrub planting areas.
- o Grass and wildflower areas.
- o Biodiversity features - hibernaculae, bat/ bird boxes etc.
- o Boundary structures, drainage swales, water bodies and other infrastructure/ facilities.

- Arrangements for Inspection and monitoring of the site and maintenance practices.
- Arrangements for periodic review of the plan.

The management, maintenance and monitoring shall be carried out in accordance with the approved plan.

The works shall be executed in accordance with the approved drawings and details and shall be completed in accordance with a timetable to be set out in the LEMP.

Any new planting or grass areas which fail to make satisfactory growth or dies within five years following completion of the development shall be replaced in the next available planting season with plants of similar size and species to the satisfaction of the Local Planning Authority.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Strategy 3 (Sustainable Development), Strategy 5 (Environment), Policy D1 (Design and Local Distinctiveness), Policy D2 (Landscape Requirements) and Policy D3 (Trees in relation to development) of the East Devon Local Plan. The landscaping scheme is required to be approved before development starts to ensure that it properly integrates into the development from an early stage.)

27. The specific noise level of any fixed plant or equipment installed and operated on the site of the Class C2 usage 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 amenity of local residents from unacceptable noise levels, in accordance with policy EN14 (Control of Pollution) of the East Devon Local Plan).

28. 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) of the East Devon Local Plan).

29. The works shall be carried out in strict accordance with the submitted Ecological Impact Assessment, Ecological Impact Assessment - Addendum, Bat Ecological Impact Assessment - Technical Note to Assess Design Changes (EPS, 2023) and Ecological Appraisal (Devon Wildlife Consultants, 2023), unless modified by Natural

England bat licence. Prior to occupation a written record shall be submitted to the local planning authority to include photographs of the installed ecological mitigation and enhancement measures as detailed within the reports and details regarding compliance with any ecological method statements (other than long terms monitoring details) as detailed within the submitted LEMP and CEcoMP.

(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 East Devon Local Plan).

30. No demolition works of confirmed bat roosts shall commence on site unless the local planning authority has been provided with a copy of the bat mitigation licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the development to go ahead.

(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 East Devon Local Plan).

31. Prior to installation in each phase a detailed no works shall commence on site until a detailed Lighting Impact Assessment (LIA) including lux contours, based on the detailed site design and most recent guidelines (currently GN08/23 and DCC 2022), has been submitted and approved in writing by the local planning authority. All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

(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 East Devon Local Plan).

32. Each residential unit of the C2 use hereby permitted (excluding the care home), and all of the C3 residential units except for the block of three Town Houses, labelled 'Townhouses' and pair of Semidetached properties, labelled 'Houses' on plan SO- 2699-03- AC-0002- E- Proposed Site Plan, shall be occupied only by;

(i) A person aged 60 years or over;

(ii) A person aged 55 years or older living as part of a single household with the above person in (i); or

(iii) A person aged 55 years or older who were living as part of a single household with the person identified in (i) who has since died.'

(Reason – To define the permission, and to ensure that the proposal provides for a balanced community in accordance with strategy 4 (Balanced Communities) of the East Devon Local Plan)

Plans relating to this application:

AC-0003 B : masterplan	Proposed Site Plan	18.09.23
AC-0002 E	Proposed Site Plan	18.09.23
AC-1170 D : split level town house	Proposed Floor Plans	18.09.23
AC-1200 G : lower ground	Proposed Floor Plans	18.09.23
AC-1201 F : RL ground	Proposed Floor Plans	18.09.23
AC-1202 G : RL first	Proposed Floor Plans	18.09.23
AC-1203 F : RL second	Proposed Floor Plans	18.09.23
AC-1204 F : RL	Proposed roof plans	18.09.23
AC-1300 G – RLP Lower Ground	Proposed Floor Plans	18.09.23
AC-1301 G : RLP ground	Proposed Floor Plans	18.09.23
AC-1302 F : RLP first	Proposed Floor Plans	18.09.23
AC-1303 F : RLP second	Proposed Floor Plans	18.09.23
AC-1304 F : RLP third	Proposed Floor Plans	18.09.23
AC-1305 E : RLP	Proposed roof plans	18.09.23
AC-1601 C : existing demolition building B	Other Plans	18.09.23

AC_1610 E : building B	Proposed Floor Plans	18.09.23
AC-2005 D : split level townhouse	Proposed Elevation	18.09.23
AC-2100 E : RL north/east	Proposed Elevation	18.09.23
AC-2101 E : RL south/west	Proposed Elevation	18.09.23
AC-2200 F : RLP north/east	Proposed Elevation	18.09.23
AC-2201 E : RLP south/west	Proposed Elevation	18.09.23
AC-2300 E : house elevations/ty pical section	Proposed Combined Plans	18.09.23
AC-2510 E : building B	Proposed Elevation	18.09.23
AC-2530 C : context elevations 1 of 2	Proposed Elevation	18.09.23
AC-2531 C : context elevations 2 of 2	Proposed Elevation	18.09.23
AC-3530 C : proposed context	Sections	18.09.23
LA-0002 G : masterplan	Landscaping	18.09.23
LA-1000 G : general arrangement area 1	Landscaping	18.09.23
LA-1001 G : general arrangement area 2	Landscaping	18.09.23
LA-1002 G : general	Landscaping	18.09.23

arrangement area 3		
LA-9010 B : tree retention/removal	Landscaping	18.09.23
LA-9500 E : boundary treatment area 1	Landscaping	18.09.23
LA-9501 E : boundary treatment area 2	Landscaping	18.09.23
LA-9502 E : boundary treatment area 3	Landscaping	18.09.23
LA-9700 D : hard landscape area 1	Landscaping	18.09.23
LA-9701 D : hard landscape area 2	Landscaping	18.09.23
LA-9702 E : hard landscape area 3	Landscaping	18.09.23
LA-9800 E : soft landscape area 1	Landscaping	18.09.23
LA-9800 E : soft landscape area 2	Landscaping	18.09.23
LA-9801 E : soft landscape area 2	Landscaping	18.09.23
20-098-115 C : proposed boundary treatment plan 1 of 2	Landscaping	18.09.23
20-098-116 C : proposed boundary	Landscaping	18.09.23

treatmentn
plan 2 of 2

LA-9802 E : soft landscape area 3	Landscaping	18.09.23
LA-9810 B : soft landscape details	Landscaping	18.09.23
LA-9820 C : soft landscape schedule	Landscaping	18.09.23
LA-9900 C : typical landscape details 1 of 2	Landscaping	18.09.23
LA-9901 B : typical landscape details 2 of 2	Landscaping	18.09.23
LA-9903 : typical threshold details	Additional Information	18.09.23
20-098-120 H : lower ground	Proposed Floor Plans	15.03.23
20-098-121 H : ground	Proposed Floor Plans	15.03.23
20-098-122 H : first	Proposed Floor Plans	15.03.23
20-098-123 H : second	Proposed Floor Plans	15.03.23
20-098-152 C : sheet 3 of 5	Proposed Elevation	15.03.23
20-098-124 D	Proposed roof plans	15.03.23
20-098-150 C : sheet 1 of 5	Proposed Elevation	15.03.23
20-098-151 C : sheet 2 of 5	Proposed Elevation	15.03.23
20-098-153 C : sheet 4 of 5	Proposed Elevation	15.03.23
20-098-154 C : sheet 5 of 5	Proposed Elevation	15.03.23

20-098-165 C : site sheet 1	Sections	15.03.23
20-098-166 C : site sheet 2	Sections	15.03.23
20-098-167 A : with 3 broadway	Sections	15.03.23
AC-0000 A	Location Plan	15.03.23
AC-0001 B	Existing Site Plan	15.03.23
AC-0023 B : demolition site	Other Plans	15.03.23
AC-1400 D : HOUSE	Proposed Floor Plans	15.03.23
AC-1600 B : BUILDING B	Existing Floor Plans	15.03.23
AC-1620 : GROUND (BUILDING)	Existing Floor Plans	15.03.23
AC-1621: FIRST (BUILDING)	Existing Floor Plans	15.03.23
AC-1622 : SECOND (BUILDING)	Existing Floor Plans	15.03.23
AC-1700 C : BAT BUILDING	Proposed Floor Plans	15.03.23
AC-2500 B : BUILDING B	Existing Elevation	15.03.23
AC-2520 : BUILDING	Existing Elevation	15.03.23
AC-2600 D : BAT BUILDING	Proposed Elevation	15.03.23

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.

APPENDIX 1 - The Conservation of Habitats and Species Regulations 2017 – Shadow HRA Template		East Devon District Council
Regulation 63 – Habitats Regulations Assessment		
Stage 1: Screening for Likely Significant Effect on the Beer Quarry and Caves SAC		
Part A: The proposal		
1. Type of permission/activity:	Full planning permission. Redevelopment of site to provide: a) Care home building (Class C2) with associated parking, landscaping, staff and resident facilities and associated works, b) Extra care apartment building (53 units) with associated communal lounge, wellbeing suite, restaurant and care provision (class C2) c) Retirement living apartment building (33 units) with associated communal lounge d) Erection of 4 houses, and 3 townhouses (Class C3) along with accesses; internal car parking, roads, paths, retaining walls, refuse and landscaping associated with development. Retention/refurbishment of building B, erection of habitat building and sub-stations. (Demolition of buildings other than building B)	
2. Application reference no:	23/0571/MFUL	
3. Site address: Grid reference:	Former Council Offices, Knowle, Sidmouth, EX10 8HL SY 120 879	
4. Brief description of proposal:	<ul style="list-style-type: none"> • Type of development Care home facility, extra care apartments, retirement living houses, townhouses and associated infrastructure. • Distance to the European site 9.3km • Is the proposal site within a consultation zone (landscape connectivity, core sustenance, pinch point, hibernation sustenance zone) Lesser horseshoe bat landscape connectivity zone (LCZ) Greater horseshoe bat LCZ Bechstein's bat LCZ • Size Approximately 1.8ha • Current land use (habitat type and immediately adjacent habitat types) The survey area is delineated by construction fencing and comprises modified grassland, areas of introduced shrub, car parking and the former office complex of East Devon District Council. The buildings comprising the former office complex are referenced Buildings A – E and the Depot. See Map 6 appended to this document. Mature landscaped formal gardens are present in the wider area with many veteran trees and areas of mixed plantation woodland. The site is surrounded on all aspects by roads with woodland to the north. The mature trees on site provide dark commuting routes to offsite habitats. • Timescale Demolition of buildings except Building B and southern wall of Building C south (to be retained) - June 2024 (subject to receipt of the EPSL) Groundworks to commence November 2024 	

	<p>Construction to start April 2025 Completion and site handover by May 2027</p>
	<ul style="list-style-type: none"> • Working methods <p>Building B (supporting the LHS maternity roost) will be carefully monitored throughout demolition and construction phases using an external IR or thermal imaging CCTV camera and noise and vibration monitors within the roost. Demolition methods will be reconsidered if bat behavior indicates disturbance is occurring.</p> <p>Demolition access will be off Knowle Drive, to the west of the site. Demolition compounds, vehicles, storage and welfare units will not be permitted on the east side of Building B.</p> <p>Demolition work will progress from west to east. Demolition works will be undertaken under an EPSL.</p> <p>Works will follow best practice construction methods.</p> <p>Works will comply with the: Construction Environmental Management Plan (CEMP); Sensitive Lighting Design; Construction Phase Lighting Strategy and a Landscape and Ecology Management Plan (LEMP). The site will be subject to a Section 106 agreement to ensure long-term security of mitigation measures.</p>
5. European site name	Beer Quarry and Caves SAC (BQ&CSAC) – SAC EU Code UK0012585.

18 May 2012	Building Inspection	Buildings A, B (Basement) and C	DWC	2
23 Jul 2012	Building Inspection	Building B (Loft)	DWC	2
08 Oct 2012	External Inspection with Cherry Picker	Building B	DWC	2
17 Jul 2012	Emergence Surveys (Dusk)	Building B Basement	DWC	5
09 Aug 2012	Emergence Surveys (Dusk)	Buildings B Loft	DWC	5
10 Aug 2012	Emergence Surveys (Dawn)	Buildings B	DWC	6
16 July - 23 July 2012	Remote Detector Survey	Building C	DWC	4
17 July - 24 July 2012	Remote Detector Survey	Building B	DWC	4
23 July - 30 July 2012	Remote Detector Survey	Building B	DWC	4
31 July - 7 August 2012	Remote Detector Survey	Building C	DWC	4
27 Sept – 10 Oct 2012	Remote Detector Survey	Building B Basement and Loft	DWC	3
3 Dec - 16 Dec 2012	Remote Detector Survey	Building B Basement and Loft	DWC	3
08 Oct 2012	Emergence Surveys	Building B (east elevation only)	DWC	2
10 Oct 2012	Tree Inspection	Site and Park	DWC	1
22 Apr 2015	Building Inspection	Buildings A, B and C	DWC	1
22 Apr 2015	Update Tree Survey	Site and Park	DWC	1
24-29 April 2015	Remote Detector Survey	Site and Park	DWC	4
20-26 May 2015	Remote Detector Survey	Site and Park	DWC	4
18-25 June 2015	Remote Detector Survey	Site and Park	DWC	4
17 Jun 2015	Emergence Surveys (Dusk)	Building B	DWC	4
18 Jun 2015	Emergence Surveys (Dusk)	Building A	DWC	4

15-23 July 2015	Remote Detector Survey	Site and Park	DWC	2
15 Jul 2015	Emergence Surveys (Dusk)	Building A	DWC	4
16 Jul 2015	Emergence Surveys (Dawn)	Building A	DWC	4
23 Jul 2015	Emergence Surveys (Dusk)	Building B	DWC	3
23 Jul 2015	Activity transect	Route around buildings and along	DWC	1
05 Aug 2015	Emergence Surveys (Dawn)	Building B (Loft and Basement)	DWC	4
05 Aug 2015	Activity transect	Route around southern park	DWC	1
19 Aug 2015	Building Inspection	Buildings A, B and C	EPR	2
20-27 Aug 2015	Remote Detector Survey	Site and Park	DWC	2
20 Aug 2015	Emergence Surveys (Dusk)	Building B and Site	DWC	4
21 Aug 2015	Emergence Surveys (Dawn)	Building B and Site	DWC	4

20-21-Aug 2015	Activity transect	Route around car parks and northern	DWC	2
14-Sep	Building Inspection	Buildings A, B, C and Depot	EPR	2
24 Aug 2015	Emergence Surveys (Dusk), fixed point and transect	Building B and Site	EPR	8
25 Aug 2015	Emergence Surveys (Dawn), fixed point and transect	Building B and Site	EPR	8
10 Sep 2015	Emergence Surveys (Dusk), fixed point and transect	Building B, Depot and Site	EPR	8
11 Sep 2015	Emergence Surveys (Dawn), fixed point and transect	Building B, Depot and Site	EPR	8
08 Oct 2015	Count of Bats	Building B (Loft and Basement)	DWC	2
8-15 Oct 2015	Remote Detector Survey	Site and Park	DWC	1
15 Oct 2015	Emergence Surveys (Dusk), fixed point and transect	Building B and Site	EPR	8
16 Oct 2015	Emergence Surveys (Dawn), fixed point and transect	Building B and Site	EPR	8
27 Nov 2015	Count of Bats	Buildings A and B (Loft and Basement)	DWC	2
27 Nov 2015 – 14 Feb 2016	Temperature and Humidity Loggers	Building A	DWC	1
27 Nov 2015 – 6 Feb 2016	Temperature and Humidity Loggers	Building B Loft	DWC	1
27 Nov 2015 – 6 Feb 2016	Temperature and Humidity Loggers	Building B Basement	DWC	1
27 Nov-4 Dec 2015	Remote Detector Survey	Building A	DWC	1

4 Dec 2015 – 14 Jan 2016	Sheet to Collect Droppings	Building A	DWC	1
10 Dec 2015	Winter Activity Survey (Dusk) emergence, fixed point and transect	Building B and Site	EPR	6
07 Jan 2016	Count of Bats	Buildings A and B (Loft and Basement)	DWC	2
7-14 Jan 2016	Remote Detector Survey	Building A	DWC	1
14 Jan 2016	Winter Activity Survey (Dusk) emergence, fixed point and transect	Building B and Site	EPR	6
04 Feb 2016	Winter Activity Survey (Dusk) emergence, fixed point and transect	Building B and Site	EPR	6
08 Feb 2016	Count of Bats	Buildings A and B (Loft and Basement)	DWC	2

Date	Survey Type	Areas/Buildings Surveyed	Surveyors	No. Surveyors
8-15 Feb 2016	Remote Detector Survey	Building A	DWC	1
14 Jan 2016	Droppings Analysis	Building A SE loft	DWC	1
10 Feb 2016	Droppings Analysis	Building A	EPR	1
16 Apr 2018	Ground-level Tree Inspection	Accessible trees on Site	EPR	
16 Apr 2018	Emergence Surveys (Dusk)	Buildings A, B, and E	EPR	10
23 May 2018	Emergence Surveys (Dusk)	Buildings A (northern part only) and B-E	EPR	8
24 May 2018	Re-entry Surveys (Dawn)	Buildings A and B	EPR	8
19 Jun 2018	Emergence Surveys (Dusk)	Buildings A and B	EPR	8 (1 surveyor on a MEWP)
20 Jun 2018	Re-entry Surveys (Dawn)	Buildings A (northern part only), B-D and Depot	EPR	8
22 Aug 2018	Emergence Surveys (Dusk)	Buildings A, B, and E	EPR	7
23 Aug 2018	Re-entry Surveys (Dawn)	Buildings B, C and E	EPR	7
23 Aug 2018	Elevated Tree Inspections	T13, T41, T42, T72	EPR	2
04 Oct 2018	Emergence Surveys (Dusk)	Building B	EPR	2
Oct-19 – Sep 2018	Deployment of temperature and humidity	Building B	EPR	1
21-Nov 2018	Bat Count	Building B	EPR	1
10-Dec 2018	Bat Count	Building B	EPR	1
16 Jan 2019	Bat Count	Building B	EPR	1
20 Feb 2019	Bat Count	Building B	EPR	1
30 May 2019	Emergence surveys (Dusk)	A (northern part), B, C and Depot	EPR	10
31 May 2019	Re-entry Surveys (Dawn)	A (southern part), B, and D.	EPR	10
25 Jun 2019	Emergence surveys (Dusk)	Building B	EPR	3

26 Jun 2019	Re-entry Surveys (Dawn)	Building B	EPR	3
12 Aug 2019	Emergence surveys (Dusk)	Buildings A and B	EPR	10
13 Aug 2019	Re-entry Surveys (Dawn)	Building B	EPR	4
02 Oct 2019	Emergence surveys (Dusk)	Building B	EPR	2
03 Oct 2019	Bat Count	Building B	EPR	1
May 2021	Building Inspection, DNA Analysis	Building A & C	EPR	1
17 May 2021	Emergence surveys (Dusk)	Building B	EPR	3
18 May 2021	Re-entry Surveys (Dawn)	Building B	EPR	3
18 May 2021	Bat Count	Building B (basement only)	EPR	1
15 June 2021	Building Inspection	Depot	EPR	1
15 Jun 2021	Emergence surveys (Dusk)	B, C, E and Depot	EPR	11
16 Jun 2021	Re-entry Surveys (Dawn)	A & B	EPR	11

July 2021	Biological Data Search – Bat Records & Lesser Horseshoe Roost records (Devon Bat Group)	2km search radius from Site for bat records & 10km radius for roost records	EPR	N/A
Sept-20 – Aug 2021	Deployment of temperature and humidity loggers	Building B	EPR	1
9 Sept 2021	Building Inspection	Building B (loft only).	EPR	1
19 Oct 2021	Building Inspection	Building B (loft only).	EPR	2
17 Aug 2022	Re-entry Survey (Dawn)	Building A, B & commuting	EPR/DWC	11
17 Aug 2022	Emergence Survey (Dusk)	Building B, C, E & Depot	EPR/DWC	8
22 Sept 2022	Emergence Survey (Dusk)	Building A, B & commuting route	EPR/DWC	11
18 Oct 2022	Emergence Survey (Dusk)	Building B & commuting route	EPR/DWC	5
Sept 2021 – Sept 2022	Deployment of temperature and humidity loggers	Building B	EPR	1
13 Dec 2022	Hibernation Survey (Internal Visual Inspection)	Building A and B (excluding loft)	EPR	2
13-27 Dec 2022	Hibernation Survey (x5 Automated Static Detectors)	Building A and B (basement only)	EPR	1
Dec 2022 – Jan 2023	Update Biological Record Search (Devon Biological Record Centre & Devon Bat	1 km radius from Site (DBRC); and 4km (DBG)	DWC	N/A
09 Jan 2023	Update Ground Level Tree	Focused on those trees identified for	EPR	1
11 Jan 2023	Hibernation Survey (Internal Visual Inspection)	Building A and B	EPR	2
11- 25 Jan 2023	Hibernation Survey (x5 Automated Static Detectors)	Building A and B (basement	EPR	2
25 Jan 2023	Emergence/commuting survey	Building B (and commuting	EPR	2
7-21 Feb 2023	Hibernation Survey (x5 Automated Static Detectors)	Building A and B (basement only)	EPR	2

21 Feb 2023	Hibernation Survey (Internal Visual Inspection)	Building A and B (basement only)	EPR	1
21 Feb 2023	Emergence/commuting survey	Building B (and commuting route)	EPR	2

Summary of lesser horseshoe and greater horseshoe roosts present on site (2012 - 2023) prior to fire which occurred in March 2023:

Building	Species	Roost Location	Roost Type	Peak Count	First Recorded
A	Lesser Horseshoe	Loft spaces in the south and west pitched roof sections	Day roosts and hibernation (possibly present all year round)	1 in Feb 2023, otherwise droppings and/or static detector recordings	2012
		Northern roof void / cavity walls with bat access to roof void to at least part of flat roof in	Day, transitional and hibernation	7	2012
		Under fire escape and under covered walkway, north	Feeding perch	4	2012
B	Lesser Horseshoe	Loft (including the cross-gable and linking structures which are a functional part of this roost)	Maternity, hibernation, transitional and possible mating (present year round)	56	c. 1992
		Basement	Hibernation, transitional, day and night	21	c. 1992
		Recess outside	Day	1	2021
	Greater Horseshoe	Likely 'linking structures' and basement	Day, transitional and hibernation	2	2019
C	Lesser Horseshoe	Under open porch	Feeding perch	1	2019

See Map 6: Summary of Bat Roosts and Indicative Key Commuting Routes (prior to the fire) appended to this document.

Surveys undertaken after the fire:

Date	Survey Type	Areas/Buildings Surveyed	Surveyors
5 Apr 2023	Emergence survey	A & B	EPR
18 Apr 2023	Emergence survey	A & B	EPR
11 May 2023	Emergence survey	Building B	EPR

Summary of lesser horseshoe and greater horseshoe roosts present on site after the fire:

Building	Species	Roost Location	Roost Type	Peak Count	First Recorded	Roost Assessment Post-fire
A	Lesser Horseshoe	Loft spaces in the south and west pitched roof sections	Day roosts and hibernation (possibly present all year round)	1 in Feb 2023, otherwise droppings and/or static detector recordings only	2012	Roosts in A South destroyed. Roosts in the remainder of Building A still present
		Northern roof void / cavity walls with bat access to roof void to at least part of flat roof in east	Day, transitional and hibernation	7	2012	Still present
		Under fire escape and under covered walkway,	Feeding perch	4	2012	Still present
B	Lesser Horseshoe	Loft (including the cross-gable and linking structures which are a functional part of this	Maternity, hibernation, transitional and possible mating (present year round)	256	c. 1992	Still present
		Basement	Hibernation, transitional, day and night	21	c. 1992	Still present
		Recess outside	Day	1	2021	Still present
	Greater Horseshoe	Likely 'linking structures' and	Day, transitional and hibernation	2	2019	Still present
C	Lesser Horseshoe	Under open porch	Feeding perch	1	2019	Still present

	See Map 3a: Summary of Bat Roosts and Indicative Key Commuting Routes – Updated May 2023 following fire, appended to this document.
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Part B: Screening assessment for Likely Significant Effect – In absence of proposed mitigation

8. Is this application necessary to the management of the site for nature conservation?	No	
9. What BQ&CSAC consultation zones is the proposal within (insert “X”)? <i>Refer to the Beer Quarry and Caves SAC Habitats Regulations Assessment Guidance document and online mapping</i>	10 km GHB Landscape connectivity zone	X
	4 km GHB Sustenance zone	
	2 km GHB Hibernation sustenance zone	
	11.2 km LHB Landscape connectivity zone	X
	2.5 km LHB Sustenance zone	
	1.2 km LHB Hibernation sustenance zone	
	10.25 km Bechstein’s Landscape connectivity zone	X
	2.5 km Bechstein’s sustenance zone	
	Pinch point	
10. Summary assessment of potential impacts to Qualifying Features of the European site, in the <u>absence</u> of mitigation measures. Consider scale, extent, timing, duration, reversibility and likelihood of the potential effects. <i>Impacts of these types are considered to result in result in a Likely Significant Effect (LSE) on the SAC. Refer to the flow chart on page 19 of the Beer Quarry and Caves SAC Habitats Regulations Assessment Guidance document</i>	A – <i>Landscape (large) scale connectivity impacts</i>	<u>Greater horseshoe and Bechstein’s bats</u> The site is used occasionally by a low number of greater horseshoe bats and considered unlikely to support Bechstein’s bats. The proposal, in the absence of mitigation, is considered unlikely to result in a landscape scale connectivity impacts on greater horseshoe or Bechstein’s bats. No Likely Significant Effect (LSE) is predicted. <u>Lesser horseshoe bats (LHB)</u> Building B, supporting the LHS bat maternity/hibernation/transitional roosts will be retained and will remain unaffected during demolition/construction and operational phases. Building B will be retained solely for bats, thereby avoiding the need for artificial lighting around the building. The upkeep of the building will remain the responsibility of McCarthy and Stone. Buildings A and C which support low numbers of LHS bats will be demolished under an EPSL. Key LHS commuting routes which connect Building B to the surrounding landscape are shown on Map 6 (appended to this document).
	If the proposal is located in a Landscape Connectivity Zone (LCZ) ONLY, then the only impact to	

<p>result in an LSE is “A – Landscape scale connectivity impacts”.</p> <p><i>Consider construction phase and operational phase. For some proposals, it may also be necessary to consider de- commissioning and after-use.</i></p>		<p>The majority of bats fly eastwards from the gap between Buildings B and C towards the mature trees on the eastern boundary and then fly northwards offsite. The tree line and vegetation associated with this key commuting route will be retained and will remain unlit during the operational phase of the development.</p> <p>Survey data demonstrates that onsite habitat is of minimal value to foraging LHS bats and that the bats commute in a northerly direction to forage offsite with some bats also foraging in offsite mature trees to the east.</p> <p>Natural England state that direct lighting upon roost entrances should be avoided and dark flight corridors maintained to ensure commuting and feeding bats are not disturbed by light pollution.</p> <p>Construction Phase</p> <p>Lighting of the site during the construction phase of the development has the potential to affect commuting LHS bats should additional illumination affect the existing semi-natural features which have been identified as being utilised by this species.</p> <p>A change in lighting is considered the only possible LSE to LHS bats in the absence of mitigation.</p>
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<p><i>B - Direct impacts on the SAC roost or other key roost(s)</i></p>	<p>The site falls within the LHS bat Landscape Connectivity Zone and the LHS roost on site is not classified as a Key Roost within the SAC guidance but rather as an “other LHS bat maternity roost within the LCZ”.</p> <p>The building on site which supports the main maternity/hibernation/transitional roosts (Building B) is retained and will remain unaffected during demolition/construction and operational phases.</p> <p>Building B will be retained solely for bats thereby safeguarding the integrity of the roost. The upkeep of the building will remain the responsibility of McCarthy and Stone.</p> <p>There will be no direct impacts on the SAC roost or other key roosts. No LSE is predicted.</p>
<p><i>C - Change in habitat quality and composition (loss or change in quality of foraging habitat)</i></p>	<p>Survey data has confirmed that habitats present within the site are of minimal value to foraging LHS bats.</p> <p>There will no change in habitat quality or composition on site that will have any significant impact on LHS bats. No LSE is predicted.</p>
<p><i>D - Severance or disturbance of linear features used for navigating or commuting</i></p> <p><i>E - Disturbance from new illumination causing bats to change their use of an area/habitat</i></p> <p><i>F - Disturbance to or loss of land or features secured as mitigation for BQ&CSAC bats from previous planning applications or projects</i></p> <p><i>G – Loss, damage, restriction or disturbance of a pinch point</i></p>	<p>Survey data has confirmed that use of commuting routes present within the site is limited to bats associated with the onsite roosts; commuting routes within the site are not utilised by bats from the wider landscape.</p> <p>All vegetation associated with these key commuting routes will be retained. There will be no severance or disturbance of linear features used for navigating or commuting. No LSE is predicted.</p> <p>A change in lighting levels is considered the only possible Likely Significant Effect to the LHS bats and are discussed in section 10.A.</p> <p>There are no mitigation features or land onsite that are associated with mitigation from previous planning applications or projects. No LSE is predicted.</p> <p>N/A – not within a Pinch Point</p>

	<p><i>E - Other impacts – e.g. physical injury by wind turbines or vehicles</i></p> <p>The site will be converted to a care home complex with associated buildings and infrastructure. A traffic consultant provided an estimate of trips generated when the site was operational as council offices and a prediction of trips likely to be generated by the proposals for the site.</p> <p>It was concluded that the proposals are likely to represent a lower risk to bats from traffic collision when compared with the previous use of the site as council offices. Additionally, the road to the east of Building B will be decommissioned further reducing the likelihood of collision in the area of the site most used by bats.</p> <p>Although there is potential for traffic collisions on site with LHS bats, the risk is lower than it was historically and there will be no significant impacts on the integrity of the SAC.</p> <p>No LSE is predicted.</p>
<p>11. Potential for in-combination effects (other permissions granted and proposals in the area that could result in impacts when assessed in combination – review planning permissions in the vicinity with similar impacts)</p>	<p><i>22/2063/MOUT Outline application for redevelopment seeking approval for a total additional business floor space of 1,701 sq. m. comprising: approval of reserved matters relating to access, appearance, layout and scale (reserving details of landscaping) for Phase 1 (Blocks A and B); partial demolition of Block C (approval of reserved matters relating to access, layout and scale, reserving details of appearance and landscaping), and approval of reserved matters relating to access and layout (reserving details of appearance, landscaping and scale) for phase 2 (Block D) Alexandria Industrial Estate Station Road Sidmouth</i></p> <p>Alexandria Industrial Estate lies approximately 680m due north of the site. The LHS bats leave site in a northerly direction and it is assumed that they forage in Manor Park. The proposed development on the Alexandria Industrial Estate could lead to an increase in light spill in the north-eastern extent of Manor Park which is a likely a key foraging area for LHS from the site.</p> <p>Condition 16 of the outline planning permission requires a lighting scheme to be submitted to and approved by the Local Planning Authority. Assuming that a robust lighting scheme is implemented on site then it is assumed that there will be no potential in-combination effects on the LHS bats.</p>

12. Natural England consultation comments (if available)

Natural England Comment Date: Thu 05 Oct 2023

SUMMARY OF NATURAL ENGLAND'S ADVICE

FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES

Habitats Regulations Assessment - Recreational Impacts on European Sites

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

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

Habitats Regulations Assessment - Beer Quarry and Caves Special Area of Conservation

Your authority will need to determine whether the proposal is likely to have a significant effect on the Beer Quarry and Caves (SAC) bat population by undertaking a Habitats Regulations Assessment, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out.

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

Natural England's further advice is set out below.

Designated sites:

Habitats Regulations Assessment required - Recreational Impacts on European Sites

This development falls within the 'zone of influence' for the East Devon Heaths Special Protection Area (SPA) and East Devon Pebblebed Heaths Special Area of Conservation (SAC) as set out in the Local Plan and the South East Devon European Sites Mitigation Strategy (SEDEMS).

Unlike the previous extant approval at this site, this proposal involves creation of new housing, including erection of 4 houses, 3 townhouses, and 2 chalet bungalows. It is anticipated that new housing development in this area is 'likely to have a significant effect', when considered either alone or in combination, upon the interest features of the SAC/SPA due to the risk of increased recreational pressure caused by that development.

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

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

Habitats Regulations Assessment required - impact upon protected species (bats) This application site is in close proximity to Sidmouth to West Bay Special Area of Conservation (SAC) and Sidmouth to Beer Coast SSSI. In addition, the development is

situated within the bat Landscape Connectivity Zone associated with the Beer Quarry and Caves Special Area of Conservation (SAC), designated in part due to its internationally important population of greater and lesser horseshoe and Bechstein's bats.

As a competent authority under the provisions of the Habitats Regulations, you should have regard for any potential impacts that this proposed development may have and are required (by Regulations 63 and 64 of The Conservation of Habitats and Species Regulations 2017) to conduct a Habitat Regulations Assessment (HRA) to determine the significance of these impacts on European sites and the scope for mitigation. Our guidance on the use of HRA can be found here. We also advise that you follow the detailed guidance in the Beer Quarry and Caves SAC HRA guidance.

Protected species Natural England has produced standing advice to help planning authorities understand the impact of particular developments on protected species and we refer you to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances. It is not an indication of whether a licence is likely to be granted for this proposal.

Page 3 of 3

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation. The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted.

It is the LPA's responsibility to ensure that protected species, as a material consideration, are fully considered and that ecological surveys have been carried out where appropriate and appropriate mitigation is secured. A key element of any mitigation strategy would be to secure a lighting strategy with appropriate lux levels. We note that an addendum has been submitted to the current Lighting Impact Assessment in response to site design changes. There now appears to be a location on the east of the site, south of building B, where the 0.5 lux target threshold may be exceeded. Lighting should be as low as guidelines permit and if lighting is not needed it should be avoided. Direct lighting upon roost entrances should be avoided and dark flight corridors maintained to ensure commuting and feeding bats are not disturbed by light pollution. The Institute of Lighting Professionals has partnered with the Bat Conservation Trust and ecological consultants to provide practical guidance on avoiding or reducing the harmful effects which artificial lighting may have on bats and their habitats.

We also advise that you have regard to the advice of your in-house Ecologists on this application. Their knowledge of the planning history of this site and ecological expertise should inform your decision making on this application.

For any queries relating to the specific advice in this letter only please contact Sarah Dyke at sarah.dyke@naturalengland.org.uk. For any new consultations, or to provide further information on this consultation please send your correspondence to consultations@naturalengland.org.uk.

Sarah Dyke

Lead Advisor (Sustainable Development) Devon, Cornwall and Isles of Scilly Team

Part C: Conclusion of Screening

Refer to the flow chart in the Beer Quarry and Caves SAC Habitats Regulations Assessment Guidance document

The Beer Quarry and Caves SAC guidance document clearly states that only proposals which could severely restrict the movement of bats at a landscape scale (impacting on landscape scale permeability) are considered to potentially have a likely significant effect on the SAC LHS bat population and require an HRA.

The proposals for the site include retention of the building which supports the key maternity/hibernation/transitional roosts for the sole purpose of use by bats. Building B will not have any external lighting as it will only be utilised by bats and therefore there will be no need for lighting for pedestrian purposes. Therefore, the roost itself will not suffer any likely significant impacts.

Vegetation associated with key commuting routes will be retained. Therefore, commuting routes on site will not be subject to any severance or loss of vegetation.

Habitats onsite are considered to be of minimal value to foraging LHS bats; the bats leave site to forage to the north or east of the site. Therefore, there will be no significant loss of foraging habitat.

The only possible Likely Significant Effect on the LHS bats identified is due to changes in lighting onsite affecting a linear landscape feature in a lesser horseshoe bat landscape connectivity zone.

We conclude that, in the absence of mitigation measures, a Significant Effect on the Beer Quarry and Caves SAC **is likely**, either 'alone' or 'in-combination' with other plans and projects.

An **Appropriate Assessment** of the proposal **will therefore be necessary**.

Name
Date

William Dommett
19/12/2023

The Conservation of Habitats and Species Regulations 2017

Regulation 63 – Habitats Regulations Assessment

Stage 2: Full Appropriate Assessment of effects on the qualifying features of the Beer Quarry and Caves SAC

Part D: Assessment of Impacts with Mitigation Measures

NB: In undertaking the Appropriate Assessment, the LPA must ascertain whether the project would adversely affect the integrity of the European site. The Precautionary Principle applies, so to be certain, the Authority should be convinced that no reasonable scientific doubt remains as to the absence of such effects.

14. Assessment of impacts taking account of mitigation measures included in the proposal and possible additional restrictions

Applicant's proposed mitigation – Provide document reference numbers and titles below:

EPR (2023) Bat Ecological Impact Assessment – Technical Note to Assess Design Changes

EPR (2023) The Knowle Sidmouth Bat Ecological Impact Assessment – Addendum

Devon Wildlife Consultants (2023) The Knowle, Sidmouth - Ecological Appraisal

Stantec (2023) Lighting Impact Assessment Former Council Offices, The Knowle, Sidmouth

Stantec (2023) Addendum to Lighting Impact Assessment Former Council Offices, The Knowle, Sidmouth

Potential LSE (as identified in section 10. A-H)	Avoidance/Mitigation/Compensation measures proposed <i>Consider both Construction and Operational Phases, and monitoring requirements.</i>	Conclusion regarding effectiveness of mitigation and residual LSE <i>Consider how measures would be implemented, how certain you are that measures will remove LSE, how long it will take for measures to take effect, monitoring requirements and changes that would be made if monitoring shows failure of measures.</i>	Secured by
14. A - Landscape (large) scale connectivity impacts	Construction In order to ensure that there are no adverse impacts associated with the construction phase of the development, construction phase lighting will follow the principles set out in Section 5.3 of the Lighting Impact Assessment Report (Stantec, Rev 03, 01/03/23) and Addendum to Lighting Impact Assessment (Stantec, 30/08/23) and additionally the following avoidance measures will be implemented:	The scheme layout prevents light spill from impacting commuting routes associated with the roost on site. During the operational phase light levels will generally not exceed 0.5 lux. It has not been possible in all instances to meet the 0.5 lux levels principally due to health and, safety requirements associated with an access road shared between vehicles and pedestrians.	Construction Environmental Management Plan (CEMP), Sensitive Lighting

	<ul style="list-style-type: none"> • There will be no illumination of Building B, the boundaries of Knowle Park to the east and south, or the vegetation which forms the northerly commuting route. • Site compounds will be positioned away from the south and east faces of Building B and the key bat commuting route. • There will be no site parking or storage of materials on the south and east side of Building B and the key bat commuting route. <p>Operation</p> <p>A key feature of the proposals which safeguards the critically important main commuting route used by LHS bats in Building B is the retention and protection of the tree line/ vegetation along the eastern site boundary, including careful management to avoid light spill along this key route.</p> <p>The aim of the sensitive lighting strategy is to limit lux levels to 0.5 lux on key lesser horseshoe bat features by implementing the following avoidance measures:</p> <ul style="list-style-type: none"> • Decommissioning the existing road and parking spaces to the east of Building B • Not installing external lighting along the key commuting route or on the eastern elevation of Building B • Omission of external lighting to balconies and terraces on the eastern elevation. • Adopting measures in the Sensitive Lighting Strategy <p>Monitoring</p> <p>Lux level readings measurements to be undertaken in Years 1, 3, 5 following completion of the development to ensure that predicted lux levels are being achieved.</p>	<p>The majority of the exceedances are away from the key commuting routes, and where an exceedance is predicted, it is not predicted across the whole modelled area and dark routes shielded/shaded by vegetation will remain available to bats. Survey data and observations have shown that bats have used the site in a similar way historically.</p> <p>The buildings were previously in regular use as EDDC council offices, including in the evenings and with features such as external floodlights located on the buildings. Historical light levels on site were historically relatively high, and significantly higher than the 0.5 lux and the bats continued to utilise a commuting route through dark corridors provided by vegetation and areas of shadow, enabling them to reach (unlit) woodland offsite to the north. Modelling has demonstrated that the proposals represent an improvement on the historic baseline.</p> <p>The conservation status of the bat assemblage within the Zone of Influence is currently considered to be Unfavorable and Stable.</p> <p>Unfavorable since the most valuable roost is in a building that has been historically surrounded by raised artificial lighting levels that is likely to adversely affect this light-sensitive species. Stable since the roost has been present in Building B for at least 30 years.</p> <p>Bats have continued to utilise a commuting route through dark corridors provided by vegetation and areas of shadow, enabling them to reach (unlit) woodland offsite to the north.</p> <p>The use of commuting routes present within the site is limited to bats associated with the onsite roosts; commuting routes within the site are not utilised by bats from the wider landscape.</p> <p>The majority of the exceedances are away from the key commuting routes, and where an exceedance is predicted, it is not predicted across the whole modelled area and dark routes shielded/shaded by vegetation will remain available to bats.</p> <p>Survey data and observations have shown that bats have used the site in a similar way historically, when it was operated by</p>	<p>Design; Constructio n Phase Lighting Strategy;</p> <p>Section 106 Agreement for long- term security of measures</p>
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		<p>the Council, generally when higher lux levels were present.</p> <p>LHS bats associated with the SAC would be able to continue commuting though into the wider landscape.</p> <p>No LSE is predicted.</p>	
14.B - <i>Direct impacts on the SAC roost or other key roost(s)</i>	N/A		
14.C - <i>Change in habitat quality and composition (loss or change in quality of foraging habitat)</i>	N/A		
14.D - <i>Severance or disturbance of linear features used for navigating or commuting</i>	N/A		
14.E – <i>Disturbance from new illumination causing bats to change their use of</i>	Covered in 14.A		












<i>an area/habitat</i>			
14.F - <i>Disturbance to or loss of land or features secured as mitigation for BQ&CSAC bats from previous planning applications or projects</i>	N/A		
14.G – <i>Loss, damage, restriction or disturbance of a pinch point</i>	N/A		
14.H - <i>Other impacts – e.g. physical injury by wind turbines or vehicles</i>	N/A		

Part E. In-combination impacts	
15. List of plans or projects with potential cumulative in-combination impacts	<p>22/2063/MOUT Outline application for redevelopment seeking approval for a total additional business floor space of 1,701 sq. m. comprising: approval of reserved matters relating to access, appearance, layout and scale (reserving details of landscaping) for Phase 1 (Blocks A and B); partial demolition of Block C (approval of reserved matters relating to access, layout and scale, reserving details of appearance and landscaping), and approval of reserved matters relating to access and layout (reserving details of appearance, landscaping and scale) for phase 2 (Block D) Alexandria Industrial Estate Station Road Sidmouth</p> <p>Alexandria Industrial Estate lies approximately 680m due north of the site. The LHS bats leave site in a northerly direction, and it is assumed that they forage in Manor Park. The proposed development on the Alexandria Industrial Estate could lead to an increase in light spill in the north-eastern extent of Manor Park which is a likely a key foraging area for LHS from the site.</p> <p>Condition 16 of the outline planning permission requires a lighting scheme to be submitted to and approved by the Local Planning Authority. Assuming that a robust lighting scheme is implemented on site then it is assumed that there will be no potential in-combination effects on the LHS bats</p>
16. How impacts of current proposal combine with other plans or projects individually or in combination	There would be no residual adverse effect to carry forward to in combination assessment as the other potential development affected would require a sensitive lighting scheme prior to occupation. In summary, there would be no adverse effect on the integrity of the SAC in-combination with other development likely to come forward.
Part F: Further Information	
17. Compliance with current East Devon Local Plan	The proposals are in accordance with relevant EDDC local plan (2016 to 2030) Strategy 5 and Strategy 47. The proposal is not considered to oppose any biodiversity elements of the current local plan.
List relevant environmental	

<i>policies/ strategies and how this proposal achieves or opposes these policies/ strategies</i>	
18. Does the proposal take into account measures agreed at outline or pre-app stages (if applicable)	N/A
19. Does the proposal take into account Natural England consultation responses, and include suitable measures as identified in the Natural England consultation? (if applicable)	<p>Yes – the shadow HRA, ecological impact assessment, and other technical documents have been reviewed by the District Ecologist and other impacts on nearby SACs have been screened out through the use of strategic mitigation and/or consideration of impact pathways and likely potential impacts on qualifying features.</p> <p>16/01/2023 - Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures specified in the AA are appropriately secured by conditions in any planning permission given. As part of the appropriately worded planning conditions, we expect that any future lighting will be limited along key commuting routes/prevented along the eastern elevation of Building B.</p>
Part G. Conclusion of Appropriate Assessment - The Integrity Test	
20. List of avoidance/ mitigation/ compensation measures and safeguards to be covered by condition or planning obligations (Unilateral Undertaking or S106)	<p>List of avoidance, mitigation and compensation measures, as per section 14:</p> <ul style="list-style-type: none"> • Construction Environmental Management Plan (CEMP); • Programme of Works / Phasing Plan; • Sensitive Lighting Design; • Construction Phase Lighting Strategy; • Section 106 Agreement for long-term security of measures.
21. Applicants	EDDC concludes that Adverse Effects on the Integrity of Beer Quarry and Caves

conclusion of integrity test.	<p>SAC qualifying features can be ruled out, providing that the avoidance, mitigation and compensation measures detailed in section 20 are carried out in full and secured by the proposed appropriate conditions/obligations.</p> <p>These mitigation measures are considered to remove potential Likely Significant Effects and provide certainty beyond reasonable scientific doubt that the proposals would have no impact on the Integrity of the SAC</p>
<p>22. Completed by:</p> <p>Date:</p>	<p>William Dommett</p> <p>16/01/2024</p>

KEY

-  Site boundary
-  Confirmed Lesser Horseshoe bat commuting route
-  Assumed Lesser Horseshoe bat commuting route
-  Lesser Horseshoe foraging immediately after emergence and immediately before re-entry
-  Indicative extent of Lesser Horseshoe foraging habitat - important resource for bats after emergence & prior to re-entry to roost, as well as to sustain bats when heavily pregnant / nursing young & when they roose periodically over the winter
-  Building A
-  Building B and linking structure
-  Building C
-  Depot
-  Building A south destroyed by fire and roosts destroyed. Roosts in other buildings assumed to remain present and functional
-  Target note (with ID)

- 1 Bat roost in loft of Building B (LHS, ES) in roof (PP) and linking structures (LHS, GHS)
- 2 Bat roost in basement of Building B (LHS, GHS, PP)
- 3 Bat roost in Building A north (LHS)
- 4 Bat roost in Building A south (LHS, BLE, PP)
- 5 Main bat commuting route
- 6 Bat roost in Building C (PP)
- 7 Bat roost in Depot (PP and P?)
- 8 Bat roost in cross gable (LHS)

PP – Common Pipistrelle
GHS – Greater Horseshoe
LHS – Lesser Horseshoe
ES – Serotine
BLE – Brown Long-eared
P? – Common or Soprano Pipistrelle

0 25 50 75 100 Metres
















DATE: May 2023

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Aerial Image: Source: Esri, Mapbox, Earthstar Geographics, and the GIS User Community

KEY

-  Building A
-  Building B and linking structure
-  Building C
-  Building D
-  Building E
-  Depot
-  A south largely destroyed by fire. Roosts assumed to be destroyed
-  Buildings not directly affected by the fire
-  Buildings subject to significant smoke damage internally (excluding lofts and basement) but appear structurally sound. Roosts assumed to be present and functional
-  Flat roof
-  Mansard roof
-  Voids present
-  Voids present (no access)
-  Aggregations of droppings
-  Chimney
-  Loft hatch
-  Dropping samples taken for DNA analysis (company & sample analysis reference)
-  Area of damaged tiles – cause unknown

LHS - Lesser Horseshoe
BLE - Brown Long-eared Bat
PP - Common Pipistrelle

A horizontal scale bar with markings at 0, 5, 10, 15, and 20 Metres.



DATE: May 2023

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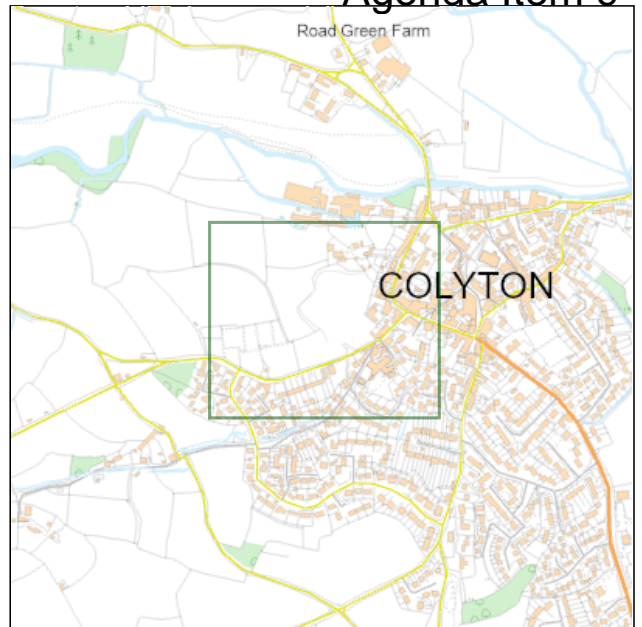
Ward Coly Valley

Reference 22/2795/MRES

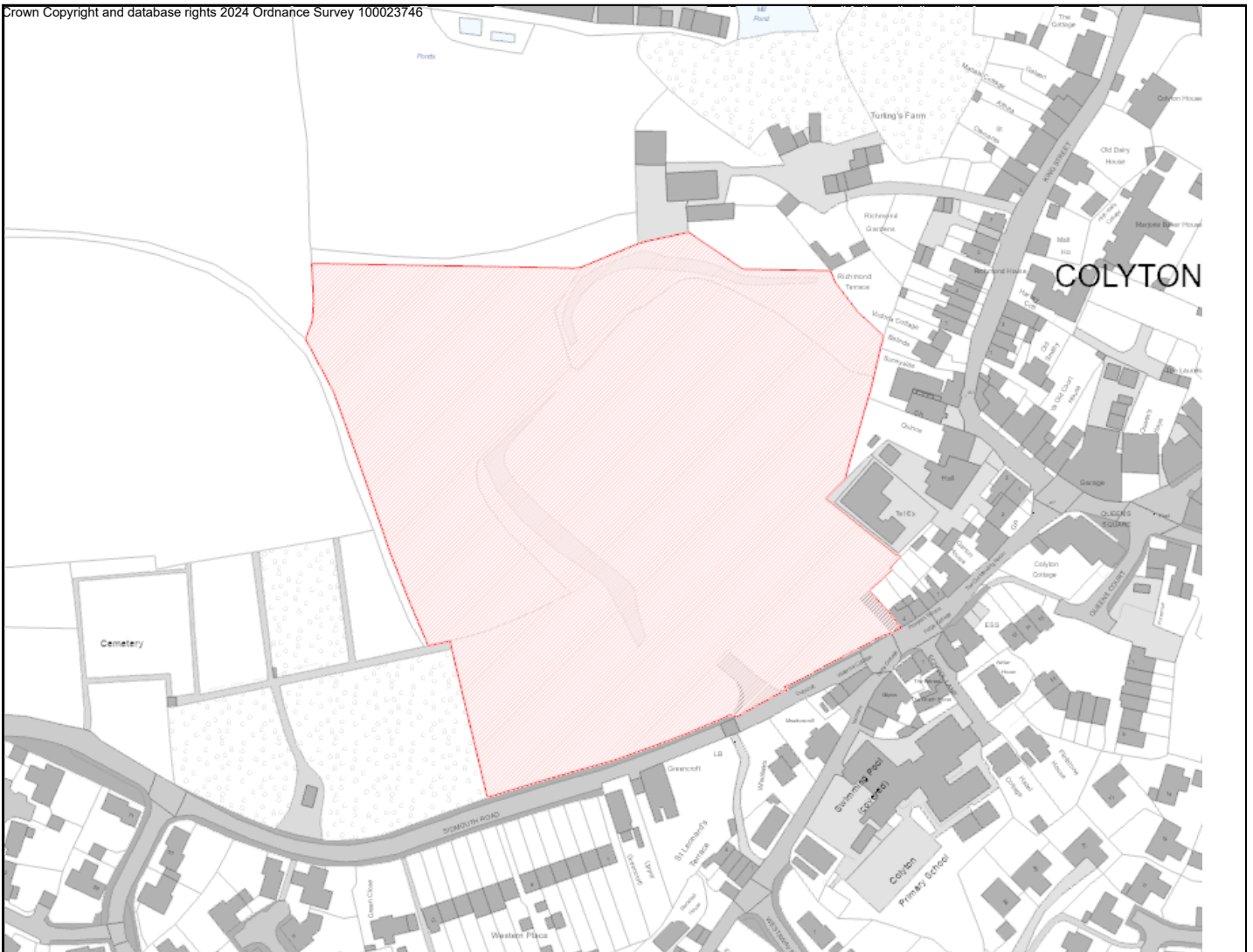
Applicant Miss Lucy Downs (Housing Developers)

Location Land North Of Sidmouth Road (Ceramtec)
Colyton

Proposal Reserved matters application (seeking approval of appearance, landscaping, layout and scale pursuant to outline permission 18/1850/MOUT) for the development of 72 new houses and six B1 use class light industrial units. The proposal includes the discharge of conditions 6, 7, 8, 9, 10, 11, 12, 14, 17, 18, 22, 23, 24 and 25 of the outline planning permission



RECOMMENDATION: Approval with conditions



		Committee Date: 30.01.2024
Coly Valley (Colyton)	22/2795/MRES	Target Date: 24.03.2023
Applicant:	Miss Lucy Downs (Housing Developers)	
Location:	Land North Of Sidmouth Road (Ceramtec) Colyton	
Proposal:	Reserved matters application (seeking approval of appearance, landscaping, layout and scale pursuant to outline permission 18/1850/MOUT) for the development of 72 new houses and six B1 use class light industrial units. The proposal includes the discharge of conditions 6, 7, 8, 9, 10, 11, 12, 14, 17, 18, 22, 23, 24 and 25 of the outline planning permission	

RECOMMENDATION: Approve subject to conditions

EXECUTIVE SUMMARY

The site extends to just over 3 hectares and is situated on the north-western edge of Colyton. The site is a disused commercial site which was formerly occupied in the main by several substantial scale industrial buildings. There were also some associated offices, car parking and landscaping. Overall, the site slopes down from west to east, with an open parcel of land on the north-west edge facing north over the Coly Valley and the industrial buildings occupying a flat are cut into the hillside. The buildings have since been demolished in accordance with the conditions set out on the outline planning permission.

The south-east edge of the site butts up against the Colyton conservation area. The south-west edge adjoins a cemetery and on the opposite side of the road are several houses. Colyton Primary School lies approximately 40 metres south of the site on the opposite side of Sidmouth Road.

Following the grant of outline planning permission (3/06/2020) reserved matters approval is now sought for the and layout, landscaping, scale, and appearance of the site. Access to the site was a matter approved at the outline stage and re-uses the original access from Sidmouth Road. The outline permission secured the provision of 20% affordable housing, £34,365.60 and 639.36m² for the provision of public amenity/play space including 160m² minimum on-site play space with buffer zone, £27,000.00 minimum play equipment, construction of up to 1000m² of floorspace for light industrial use comprised of minimum of six

workshop units totalling 507m² of gross internal floorspace, and a Travel Plan Pack including £50 per dwelling green travel voucher.

Matters such as the principle of development, the amount of affordable housing, the design of the access to Sidmouth Road, and the employment units are not due to be considered as part of this application, having been settled at the outline application stage.

The scheme has gone through pre-application discussions and three rounds of amendments to address the technical objections and the design concerns. The development continues to exhibit some unresolved concerns with regards to its design but these stem from the very difficult nature of the site which experiences considerable changes in levels across short distances, due the site being located on hillside.

The scheme presents a satisfactory solution to designing the dwellings and workshops approved as part of the outline planning permission. The site will have adequate open space provision and provides for the open space required as part of the S106 agreement. While some design elements will remain sub-optimal it was recognised at the outline stage that there could be some negative impacts but it was considered that overall the benefits outweighed these in the planning balance. Subject to the conditions set out the reserved matters are considered acceptable and accordingly approval is recommended.

CONSULTATIONS

Local Consultations

Clerk To Colyton Parish Council – 30/11/23

2/2795/MRES - Land North of Sidmouth Road (CeramTec) Colyton – amended plans for consultation

Colyton Parish Council does not support these amended plans for the following reasons:

1. They do not address many of the Council's previous concerns listed in the Consultee Comments.
2. Very little has changed in the overall layout.
3. A development of this size is not feasible without a major upgrade of the SWW sewage system.
4. Three story houses would be incongruent with their surroundings and stick up like skyscrapers.
5. Houses on the North Western edge of the site would loom over the East Devon Way and AONB, at odds with the policies of both the Colyton Parish Neighbourhood Plan and the East Devon Local Plan.
6. Affordable homes should not be grouped together but pepper potted throughout the development in line with modern development practices. EDDC's Planning Policy states 25% as a minimum.

7. Ease of access should be made for those with disabilities, especially those with mobility issues.
8. The Fire Service has requested fire hydrants be installed.
9. No mention is made of the noise generated by air sourced heat pumps, none of which have been included in the elevations or plans.
10. Solar panels have only been included for the Class B1 commercial units and not the houses.

After a meeting by a Parish Councillor with South West Water managers and engineers on a site visit to the overground sewage pipes leaking in several places in the fields leading to the Colyton & Colyford Sewage Treatment Plant on Cownhayne Lane last week, the Parish Council must warn that the current sewage system is at capacity and cannot cope with further development in Colyton without a major upgrade of the entire system. The good news is that SWW has agreed to reline the above-ground pipes next Spring, monitor them and clean up the leakages in the fields as and when they occur. Unfortunately, the Hillside development did not incorporate soakaways and any runoff enters the sewage system, further straining it. CPC is not aware if the Colyvale (now over 80 years old) and Burnards Field Road Developments (1980s) included soakaways, but during heavy rainfall water gushes up from all the drains right across the town. The developers of Hillside referred to Colyton as “Little Venice” as everywhere they dug there was water.

Both Colyton Primary Academy and the Colyton Medical Practice are tiny. Has any thought been given to this? The school has no more room to expand and current student drop-off and pickup times already pose traffic problems, as does the junction of Sidmouth Road with King Street at most times of the day.

CPC agrees with the comments made by both EDDC’s Landscape Officer and Urban Designer, dated 31st August 2023 and 13th September 2023 respectively. The Landscape Officer described the houses on the North Western Boundary thus:

“Although reduced in number from the previous layout, the introduction of stepped, three storey dwellings in a serried row on the northwestern site boundary will form a prominent urban edge to the development at odds with the surrounding pastoral landscape.”

and on the layout generally,

“... the changes have gone in the wrong direction and the revised layout appears less coherent than the previous version and the indicative layout provided with the outline application and presents some significant levels and associated design issues which are not satisfactorily resolved.”

Although it is appreciated that homes and commercial units must be built on the former CeramTec site and that it takes a great deal of hard work and planning to design such a large development on hilly and uneven ground, CPC insists that the general layout is in keeping with the rest of Colyton, in particular the Conservation Area and AONB which it abuts to.

Clerk To Colyton Parish Council – 17/8/23

22/2795/MRES Land North of Sidmouth Road (CeramTec) Colyton - Miss Downs
(Housing developers)

Colyton Parish Council does not support this application as none of its concerns listed previously on 6th February 2023 have been addressed. In addition:

1. Much of the site is Green Field and therefore should have at least 30% affordable homes for local residents built on it.
2. The plans are far too urban adjacent to the conservation area. Colyton, unlike Taunton, is a small town surrounded by the East Devon AONB. Three storey buildings are out of the question. Where are the 'sympathetic to and inspired by the historic Colyton vernacular' featured?
3. CPC fully supports the comments made by both the EDDC Conservation Team and Landscape Architect which were found to be most insightful, in touch with Colyton and are recommended reading.
4. Both the Contaminated Land Officer and Environmental Health have flagged up elevated levels of lead and PAH in the soil and this needs further investigation before any construction work can commence.
5. CPC wishes to stress that any further developments in Colyton should not take place until SWW upgrades the sewage system. There are at least seven known leakages.
6. Local school placements available for the potential influx of primary and secondary aged pupils are rare.
7. Local NHS services are currently stretched.
8. CPC is disappointed that DC Highways has chosen to disregard the existing problems concerning the lower end of Sidmouth Road towards the junction with King Street. Aside from all the persistent potholes, there are no pedestrian pavements nor is it possible to create any due to the insurmountably narrow width of the road. This junction is often congested, with vehicles having to backup and HGVs having to perform complex manoeuvres that hold traffic up until accomplished. The road network in the conservation area follows the medieval road pattern of narrow winding streets and this cannot be changed to suit the influx of potentially 300 more residents. Despite the novel 'cycle buddies' concept proposed, not everyone is young and fit enough to cycle and future residents will inevitably resort to driving their cars into the town centre and beyond, especially as there are no connecting pedestrian pavements. Colyton residents feel they are about to be inflicted with a traffic nightmare and there are no suitable alternative routes.
9. Closeboard fencing should include at least 130mm X 130mm square hedgehog highways.

10. Water butts should be included for every garden so they can be irrigated.
11. The Fire Service has recommended the installation of fire hydrants. Where are these?
12. Traffic calming speed bumps need to be installed where the road is 6m wide.
13. Increasing surface runoff into the Mill leat could produce flooding of other properties down stream along the River Coly.
14. Not all residents living adjacent to the site received a letter from EDDC with details of the closing date for public comments on this planning application.

Clerk To Colyton Parish Council 6/2/23

The Colyton Parish Council do not support this application for the below reasons:

1. We remain concerned the development will look like any other major housing development and will not be 'both sympathetic to and inspired by the historic Colyton vernacular'. Perhaps some further thought could be given to the materials proposed to include facing stone.
2. The pavement fronting the site is to be made 2m wide. We cannot find this noted on the drawings and only specified in one of the written documents.
3. We note the objections raised by DCC Flooding, Devon Wildlife Trust, the Police Crime Prevention Officer, South West Water and EDDC Housing Strategy and support their comments.
4. The proposals are 72 houses + 6 light industrial units. Of these 72, 10 are affordable dwelling units plus 4 shared ownership dwelling units = 19.5% of overall total. EDDC target is 25%. We would like to see this increased to the target.
5. We can find no mention of the noise which will be generated by each house having an air sourced heat pump, all of which are not indicated on the elevations or plans.
6. We are concerned regarding the increase in pressure on the already over loaded foul drainage system and its passage from the site to the sewage works off Cownhayne Lane. These pipes are in need of major upgrading.
7. We understand the surface water outfall to the River Coly has yet to legally finalized.
8. There appears to be a lack of cycle parking.
9. We remain concerned regarding the view of the development from the adjacent AONB and from the East Devon Way footpath

10. The 3 storey buildings could be considered incongruous and should be reconsidered

11. We should like to see the introduction of traditional Devon Banks and more tree planting.

Technical Consultations

EDDC Landscape Architect –

See end of report for full comments

Summary –

Objection.

The proposals are notably different from the illustrative layout provided with the application for outline planning permission.

Amendments to previous consultation responses are noted. However there remain numerous shortcomings and areas where, notwithstanding the quantity of information provided, further detail and clarification is required.

It confirms also more fundamental issues in relation to layout and levels that have been raised in previous landscape responses particularly August 2023. Overall the submitted scheme fails to provide high quality design solutions to the complex site constraints and necessary to provide a quality environment for residents. Given the sensitivities of the site and its surroundings the application as proposed is considered unacceptable in terms of landscape design and impact and should be refused.

EDDC Urban Designer -

See end of report for full comments

Summary –

Objection.

The design of the proposal has changed a number of times since the first outline permission was submitted, including during the pre-application submission made prior to the reserved matters application.

This is a long set of comments on a highly complex site and difficult site. All those things that an Architect would get excited about become technical difficulties and financial liabilities when a housing developer with design and portfolio constraints comes to try and make the site work for them. It is a site that inevitably results in

difficult design compromises but the balance of benefits that result can make those compromises worthwhile.

The Planning history for the site saw a very compelling layout and design included as part of the Outline permission. This provided a benchmark for the way development could negotiate the transition from open countryside to this very beautiful and largely unspoilt East Devon village. When putting together this Reserved Matters proposal the developers and their design team found that they could not make the outline layout work once detailed site measurements and analysis were available. The steep topography, the relationship of open countryside and the built heritage within the village of Colyton, the richness of the biodiversity that is such an important and defining feature of this part of East Devon, all form constraints on any design outcome but negotiating these constraints and often conflicting requirements of a brief are precisely what the design process is for.

The developers and the design team have come a long way from the first Reserved Matters proposal. The initial proposal had a limited palette of house types and materials set in a layout that, like the houses, was very modern and suburban in appearance. The current proposal includes a far wider range of houses with some bespoke to this site, and a wide range of material finishes that are far more in keeping. The layout has moved away from the initial linear and formal layout it had, taking in some of the features of the Outline layout to become far better and more relaxed.

Despite moving so far it has felt like an understandable element of design-fatigue and reluctance to move away from earlier design approaches has held back recent changes. The current proposal still, in places, betrays its origins within that more formal suburban layout. There are issues such as access to and amenity of rear gardens, high retaining structures and fences or the appearance of the proposal from outside the site that remain awkward. It means that there are significant parts of this proposal that do not satisfy policy within the Local Plan, particularly policies D1 and D2.

There is a question over the inevitability of the issues identified due to the nature of this site, of whether there are alternative design approaches that could avoid them. There is a question about whether such alternatives would be feasible or viable. I would argue that this is the case, that viable alternatives are available and some of these issues are not inevitable, certainly not to the acute level seen within the current proposal. Although so much has already been done, the cumulative impact of these issues is high enough that it outweighs the imperative to develop this site and as a result they should be addressed. It is not an easy conclusion to come to but, as a result, the proposal is not one that can be supported in Urban Design terms without this being the case.

Conservation – 29/11/23

Only minor changes appear to have been made to the layout, taking on board some of the suggestions made by the Urban Design Officer and there is still concern over the lack of a strong street frontage. Whilst the dwellings are mainly two storey, there

are still 3 storey elements not in keeping with the surrounding area. The link to the character and appearance of Colyton and the overall pattern of development, is still not convincing.

County Highway Authority – 31/7/23

Observations:

The County Highway Authority (CHA) has reviewed the submitted plan, 17123_L02.01. We are satisfied that the proposed plan allows for sufficient off-carriageway parking with dedicated parking spaces, together with sufficient space for off-carriageway turning that can be facilitated by refuse and emergency service vehicles.

I have also reviewed the Submitted Travel Plan and I am satisfied with the mitigation and provisions accompanied under this document. Similarly, I am also satisfied with the provisions and mitigation's incorporated within the Construction and Environment Management Plan (CEMP)

Addendum 28/07/2023

I have reviewed the amendments submitted under this application and the CHA have no further comments to add.

Recommendation:

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

Environmental Health – 29/11/23

I have considered the application and do not anticipate any environmental health concerns.

Contaminated Land Officer – 15/9/23

I am satisfied with the required remediation measures detailed within report GCE00622/R3. However, validation Certs & reports are still required once the remediation has been completed.

DCC Flood Risk Management Team – 4/12/23

Recommendation:

We are happy to recommend the discharge of Conditions 22, 23 and 25 of the above planning permission.

Devon Wildlife Trust

We object to the planning application because we consider that the proposals do not provide sufficient evidence to satisfy the requirements relating to biodiversity in paragraphs 174d and 175d of the National Planning Policy Framework. Furthermore, the Environment Act 2021 and National Planning Practice Guidance requirements relating to biodiversity net gain have not been addressed. These requirements are reproduced at the end of this letter.

Devon & Somerset Fire And Rescue Service

Thank you for consulting Devon and Somerset Fire and Rescue Service regarding the above planning application. I have studied the drawings on the planning portal and it would appear (without prejudice) to satisfy the criteria we would require for B5 access under Building Regulations.

Police Crime Prevention Officer

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

On the whole it appears that designing out crime principles have been embedded into the scheme.

DCC Historic Environment Officer

My ref: Arch/DM/ED/33372b

I refer to the above application and your recent consultation. The Historic Environment Team has no comments to make on this planning application.

Housing Strategy/Enabling Officer

The affordable housing allocation on this site (19.5%) is below EDDC planning policy of 25%. The units they are supplying are a good mix of tenures between rental and shared ownership but are we able to push them for a few more units?

EDDC Trees

An arboricultural method statement & tree protection plan (AMS & TPP) have been prepared by GE consulting, these pertain to condition 7 of the outline planning consent.

The TPP indicates that most of the trees on the site will be retained, only T2 and G3 are due to be removed. The TPP and AMS show how the retained trees will be protected during development.

However there are no details of drainage runs or level changes on the TPP, these details ought to be included on the TPP so that the potential impacts on trees of any drainage runs or level changes adjacent to or within the RPAs of retained trees can be assessed. The TPP should also indicate where the site compound, welfare and storage facilities are to be located.

While the level of tree retention on the site appears to be acceptable, subject to new replacement planting, in the absence of the above details, I do not support the application

Natural England 30/1/23

No objection

South West Water

I refer to the above application and would advise that South West Water has no objection to discharge of conditions 6, 7, 8, 9, 10, 11, 12, 14, 17, 18, 22, 23 subject to the foul and surface water being managed in accordance with the submitted foul and surface water drainage strategy; I note that the latter however rests on riparian owner permission to discharge surface water in the Colyford Brook. Should this not be agreed, the drainage strategy would need to be re-visited.

Other Representations

8 letters of objection:

- Increasing the flow of water into the mill leat from surface water will add pressure on the existing system and risk floods
- Increase in sewage will also lead to more pressure on existing system.
- Landscape officer concerns from April not a fully addressed. 3-storey dwellings in NW corner are still incongruous in landscape, not 'sympathetic to and inspired by the historic Colyton vernacular'.
- Still a shortfall in affordable housing, why? Was this a trade off with provision of commercial units?
- Decent cycle storage required, especially as the Draft Local Plan 2020 – 2040 notes DCC's plans for a Seaton – Cowlton strategic cycle network.
- Pleased to see some work has taken place to improve the location of the cycle storage. Plans don't show however the dimensions and whether there is space for cargo/child trailers.
- Cycle stands within garages good for security but will it lead to more on-street parking? Double garages could do with more than one stand.
- Dimensions of garages only just meets Exeter CC's Sustainable Transport SPD and access to bikes could be tricky.
- Unclear on speed limit for the estate road.
- Would prefer priority for pavement at Sidmouth Rd junction with a tighter corner radii to reduce speeds.
- Local road network is not suitable for this development. No continuous pavements between the town centre and the site.
- Concern for road safety around the nearby school.
- Local schools and GP already at capacity
- Impact on views from the Conservation Area & East Devon Way.

1 neutral letter:

- Not clear if provision to widen footway near the site entrance is retained.
- Widening of Sidmouth Road near access would be desirable.

PLANNING HISTORY

Reference	Description	Decision	Date
18/1850/MOUT	Application for outline planning permission (all matters reserved for later approval except for access) for demolition of existing buildings and the development of up to 72 new houses and six B1 use class light industrial units (up to 1,000 sq. meters)	Granted	3 June 2020

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 4 (Balanced Communities)

Strategy 5 (Environment)

Strategy 5B (Sustainable Transport)

Strategy 34 (District Wide Affordable Housing Provision Targets)

Strategy 36 (Accessible and Adaptable Homes and Care/Extra Care Homes)

Strategy 37 (Community Safety)

Strategy 38 (Sustainable Design and Construction)

Strategy 43 (Open Space Standards)

Strategy 47 (Nature Conservation and Geology)

Strategy 48 (Local Distinctiveness in the Built Environment)

Strategy 49 (The Historic Environment)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)

EN8 (Significance of Heritage Assets and their setting)

EN9 (Development Affecting a Designated Heritage Asset)

EN10 (Conservation Areas)

EN22 (Surface Run-Off Implications of New Development)

H2 (Range and Mix of New Housing Development)

TC2 (Accessibility of New Development)

TC9 (Parking Provision in New Development)

National Planning Policy Framework

National Planning Policy Guidance

SPGs

Trees and Development

Affordable Housing SPD

ANALYSIS

Site Location and Description

The site extends to just over 3 hectares and is situated on the north-western edge of Colyton. The site is a disused commercial site which was formerly occupied in the main by several substantial scale industrial buildings. There were also some associated offices, car parking and landscaping. Overall, the site slopes down from west to east, with an open parcel of land on the north-west edge facing north over the Coly Valley and the industrial buildings occupying a flat are cut into the hillside. The buildings have since been demolished in accordance with the conditions set out on the outline planning permission.

The south-east edge of the site butts up against the Colyton conservation area. The south-west edge adjoins a cemetery and on the opposite side of the road are several houses. Colyton Primary School lies approximately 40 metres south of the site on the opposite side of Sidmouth Road.

Following the grant of outline planning permission (3/06/2020) reserved matters approval is now sought for the and layout, landscaping, scale, and appearance of the site. Access to the site was a matter approved at the outline stage and re-uses the original access from Sidmouth Road. The outline permission secured the provision of 20% affordable housing, £34,365.60 and 639.36m² for the provision of public amenity/play space including 160m² minimum on-site play space with buffer zone,

£27,000.00 minimum play equipment, construction of up to 1000m² of floorspace for light industrial use comprised of minimum of six workshop units totalling 507m² of gross internal floorspace, and a Travel Plan Pack including £50 per dwelling green travel voucher.

Matters such as the principle of development, the amount of affordable housing, the design of the access to Sidmouth Road, and the employment units are not due to be considered as part of this application, having been settled at the outline application stage.

Layout

The reserved matters application proposes a mix of 2, 3, 4 and 5 bedroom housing, open space, roads and associated drainage and attenuation pond. The main area of open space and play area are located on western boundary between housing proposed on Sidmouth Road and on the north-west corner of the site. There are three separate access points to this area from the proposed estate including a level access. Due to height differences across the site, these accesses are long in places and use significant engineering structures.

Six light industrial units are proposed on the eastern boundary of the site arranged in two blocks around a central parking area. This is accessed between two terraces of houses.

The layout of the site is dictated to a considerable degree by the former uses on the site, the location of the former (now approved) access, the topography of the site and existing biodiversity and tree locations. The development has a single point of access which serves both the residential and commercial zones. The commercial buildings are located on the eastern corner of the site quite close to the access to Sidmouth Road, on the site of the former office building for the factory. The layout presents a reasonably intricate and 'organic' arrangement reminiscent of the historic core of the town which adds some character and interest, as opposed to being an overly rigid layout with only straight roads and monotonous blocks of houses.

The most elevated part of the site is reserved for the main area of public open space and the play area. This was the indicative arrangement at the outline stage. During pre-application discussions the alternative of having the open space at the front of the site and housing on the highest part of the site was debated but due to concerns over the scale and resulting landscape impact of placing housing on the highest area this application now seeks to revert to the original concept. This is considered to be the most suitable arrangement given the already likely (and accepted) landscape impacts of developing the green-field part of the site in the north-west corner.

As noted by the council's Urban Designer and Landscape officers there are many areas where matters concerning the layout are sub-optimal. A great many of the concerns are rooted in the difficult nature of the site with its dramatic changes in levels (the factory itself having been cut into the hillside leaving significant embankments). This has limited the number of options available to the developer in terms of locating dwellings while being able to afford all of them optimal

arrangements with regards to their respective garden areas, bin and bicycle storage and general access arrangements.

Revision to parts of the layout have been made in response to advice from officers during the course of both the pre-application process and the application for reserved matters approval. This consists mainly of re-alignment of the road table just inside the access point, improvements to many of the rear access points to the rear of some houses to avoid wasted space and unnecessary engineering features, realignment of the access routes to the play space, the relocation of some of the bin and bicycle storage areas to road level where possible. The layout itself is considered to be acceptable, notwithstanding that some plots have awkward arrangements that produce issues around their appearance and ease of practical use.

Landscaping

While the site itself is not in an National Landscape (NL) there are views from the north, north-east and north-west within the East Devon NL into the site. Views of a development from within NLs is a material consideration. Local Plan Policy and the NPPF require that great weight is given to conserving and enhancing landscape and scenic beauty of NLs such that development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated area.

The development of this north-western parcel has the potential to 'stick out' on the hillside and appear somewhat divorced from the rest of the town nearby, exacerbated by the fact that this field is very much elevated above the level of the factory site. This was considered by the committee during the outline application but balanced against the benefits of the scheme it was considered acceptable in principle. The objective now therefore is to ensure the adverse effects are mitigated as much as possible.

The former factory and ancillary office buildings were a large feature of the site on this side of the town. They could be viewed from vantage points to the north of the town and also from Sidmouth Road. They were unattractive and detracted from the character of this side of the town. The replacement of this buildings with buildings of a scale and design more in keeping with the fabric of the town will be a positive step in improving the appearance of the site and this edge of the town in the landscape.

The landscaping within the site itself uses much of the existing planting and trees but also includes extensive planting around the site. A significant belt of tree planting is proposed to the north of plots 66-72. While this will take time to establish and will not likely reach the height of these dwellings (which are 3-storey at the rear), they will soften the appearance of the development in views from the north. It would not be possible to screen this part of the development even if only two-storey in scale when viewed from the north due to the slope falling away to the north.

The comments of the Tree Officer are noted. An updated Tree Protection Plan was provided showing protected areas for existing trees in relation to drainage engineering. While no further comment has been received from the Tree Officer following consultation it is evident there is no conflict here. The Plan contains a method

statement prescribing how Tree Protection Areas will be managed throughout the development period.

The open space surrounding the play area will be seeded with a wildflower mix, as will an area of open space in the north-west corner and also the SUDS basin. Other more shaded areas will be seeded with a EH1 Hedgerow Mixture. Some of the existing woodland in the north-east corner of the site would be thinned and restocked with native understorey planting.

The development will result in some harmful landscape and visual impacts, particularly in relation to the north-west parts of the site built on greenfield land which in conflict with Strategy 46 and policies D1 and D2. Some of this however is offset by the replacement of the factory buildings with a housing development that is of a scale and appearance that is more in keeping with the surrounding development which is primarily residential. The extensive planting and the retention of existing trees on site will assist in assimilating the development into it's edge of settlement location. The landscaping is considered to be acceptable.

Scale

The development is comprised of mostly two storey dwellings which is appropriate in this area as most properties in this area are of such a scale.

Plots 66-72 in the north-west corner of the site are 2-3 storey 'split down' so that on the street they appear 2 storey in scale but 3 storey at the rear. This does not present any issues from the street but as noted earlier in the report and by the Urban Design and Landscape Officer it does present a significant and noticeable scale of development in a prominent position overlooking the Coly Valley.

Plots 11-16 are similarly 2-3 storey 'split up' units which present 3 storey frontages onto the road. Some of these units also present some considerable underbuild so that their front doors can only be accessed via steps. This adds to their already tall appearance. This area of the site has presented much difficulty in dealing with some significant changes in levels when moving east to west along Sidmouth Road. The site here is also raised up above the level of Sidmouth Road. These plots are set back from Sidmouth Road and have other houses in front of them so their scale will not necessarily be so obvious from this viewpoint. Plots 9 and 10 (the far west of this row of houses) have recently been revised to be brought down in scale to have its top floor within the roof. This has helped to address some of the concerns noted although this request could not be met on any of the other plots due to space/value losses.

While there are some areas of the proposal where the scale of development is greater than would be desirable there are reasons for these areas (in terms of the dramatic changes in levels) and work has taken place to reduce the effects that are derived from this. There are some examples of 3 storey buildings in the conservation area which are noted in the submission materials and so it could not be said that such a scale is without precedent. The scale is considered to be acceptable.

Appearance

The design of the dwellings follows a mostly traditional form, with appropriately pitched roofs, windows that are appropriately proportioned and arranged with pleasing symmetry and harmony.

The application has been amended on several occasions in response to concerns expressed by officers, including in relation to the appearance of the buildings. Windows on many of the properties at first submission were floor length on both ground and first floors which would not have been sympathetic in a location so close to the conservation area (nor afford much privacy to the occupants). Most of the window styles now are more conservative and traditional in design, although there remain a few exceptions where better units could have been proposed, such as on the Chinley house types which just proposed plain casements with no articulation of any kind.

Front doors feature vertical boarding (in appearance) which are in harmony with the windows that are mostly vertical in their emphasis. Some are recessed more deeply than others which adds some accents and articulation to the elevations.

A limited number of units in key locations feature false chimneys to represent traditional building characteristics although in the main these do not feature greatly. Given they have no function there is no objection to the limited number proposed.

There is a reasonable mix of materials used in the dwellings including scraped white render, scraped pearl grey render, cream reconstituted stone, buff distressed brick, soft red brick and timber cladding (bin, cycle stores, bat roost) for the walls. Roofs will be finished in a mix of nailed natural slate to key buildings and grey pantiles, and dark grey slate effect tiles. This is a more diverse mix than originally offered. Windows will be a mix of white and grey upvc. A condition is suggested to require submission of samples of materials across the whole site to ensure they are appropriate.

It is important that an appropriate finish to the houses on plots 66-72 is achieved to lessen their visual impact on views from the north, especially considering their scale. A separate condition is suggested here to require suitable materials to be used as the specified grey render and buff brick may be too bright when a more visually recessive finish would be suitable.

The workshop units use a mix of buff distressed brick and white render and so will share some of the design language with the housing estate which is considered positive (as opposed to pressed steel cladding more typically found in commercial settings).

Overall the design and appearance of the buildings has improved since first submission and is considered on balance to be acceptable.

Other Material Matters

Affordable Housing provision

The proportion of affordable housing that was secured during the application for outline planning permission was 20% (equating to 14-affordable homes on site and

an off-site contribution for part of an affordable unit) following consideration of viability and the application of the vacant building credit.

The S106 contained an overage clause and also a mechanism to secure any uplift in value if the floorspace of new homes provided varies from that suggested at outline stage to work out the likely vacant building credit.

The comments from the Parish Council and other parties on the proportion of affordable housing are noted but this matter is not part of the considerations of this application. The only relevant factor left to determine in respect of this application is the design and distribution of the affordable units on the site. In this respect the affordable units are broadly speaking split into two blocks. The first is north of the proposed light industrial units and the second lies in the north-east of the site. Both blocks are of a similar form and design to some of the adjacent market housing. Although there appears to be a clustering of these units near the light industrial units, there are also open market units that back onto the commercial area. It should be remembered that the commercial units are light industrial units and so should be compatible with adjoining residential uses. Overall the design and location of the affordable units is considered acceptable.

Amenity of neighbouring properties

The amenity of adjoining occupiers is a material consideration. While the site has been redundant for some time it was formerly occupied by a factory which reportedly had around 100 jobs before the decline of the business on the site and this would have had some effects on the adjoining properties in terms of noise/disturbance, privacy and so on.

The most obvious source for issues around amenity would be through the provision of housing along the frontage to Sidmouth Road (the former car park area). The site here is elevated above Sidmouth Road. The houses here have been turned side-on to Sidmouth Road. This does present perhaps a missed opportunity for these properties to properly address the street but given the elevation above the properties south of Sidmouth Road it does at least provide some relief from overlooking, together with the provision of some formal tree planting.

The properties on the eastern boundary are set some way above the level of the boundary of the site. Combined with the provision of rear gardens, fencing and boundary vegetation it is considered that adequate privacy would be maintained for properties east of the site.

Amenity of future users

There are practical shortcomings for some plots as noted by the council's Urban Designer and Landscape Officer. These include some properties not having level access, terraced gardens, awkward bin and cycle storage arrangements and so forth. As explained previously many of these matters result from the dramatic changes in level across the site. Many of the plots however have suitable arrangements in respect of these matters. Most properties have adequate amenity

space and while some are less well catered for in this respect there is good amount of public open space and the play area also which provides value.

All of the dwellings meet the Nationally Described Space Standards with some exceeding them as shown below:

House Type	GIA (m2)	Occupancy	NDSS size (m2)	NDSS Compliance?
Candlewood	70	2B3P	70	Y
Alder	86	3B4P	86	Y
Whitebeam	86	3B4P	70	Y
Coral	88	3B4P	70	Y
Stafford (split up)	113	3B6P	84	Y
Poplar	106	4B6P	84	Y
Yew	106	4B6P	93	Y
Hickory	106	4B6P	93	Y
Colyton (split down)	124	4B7P	90	Y
Foxton (spilt up)	126	4B7P	97	Y
Merther (split down)	138	4B8P	115	Y
Ash	160	5B8P	106	Y

Highways

No objection has been raised in respect of the proposed highway layout by the highway authority.

130 parking spaces are required for the housing under policy TC9 and 149 are provided in a combination of on-plot, on-street, off-plot, garaging and car ports which is deemed to be sufficient. 13 parking spaces are proposed for the light industrial units which is also considered suitable and proportionate to their size. Cycle storage is also provided for each property in accordance with policy TC9.

Drainage and Flood Risk

Following initial objections by the Flood Risk Management Team at DCC, the applicant has revised its Drainage Strategy to alleviate its concerns over the scheme. The overall amount of impermeable area (compared to when the factory was on the site) will have been reduced which will alleviate run-off rates. The detention basin on site will be adopted by the management company for the site. There is also now a suitable plan in place to manage surface water run-off and silt during construction works. Therefore the proposal is considered to be acceptable and in accordance with Strategy 5 and Policy EN19, EN21 and EN22 of the adopted Local Plan.

Sustainability and Climate Change

Strategy 3 (Sustainable Development) of the adopted Local Plan (2016) states that sustainable development is central to our thinking. We interpret sustainable development in East Devon to mean that the following issues and their inter-relationships are taken fully into account when considering development:

- a. Conserving and Enhancing the Environment
- b. Prudent natural resource use
- c. Promoting social wellbeing
- d. Encouraging sustainable economic development
- e. Taking a long term view of our actions.

Strategy 5 (Environment) of the adopted Local Plan (2016) states that all development proposals will contribute to the delivery of sustainable development, ensure conservation and enhancement of natural historic and built environmental assets, promote ecosystem services and green infrastructure and geodiversity. Open spaces and areas of biodiversity importance and interest (including internationally, nationally and locally designated sites and also areas otherwise of value) will be protected from damage, and the restoration, enhancement, expansion and linking of these areas to create green networks will be encouraged through a combination of measures. New development will incorporate open space and high quality landscaping to provide attractive and desirable natural and built environments for new occupants and wildlife.

Strategy 38 (Sustainable Design and Construction) of the adopted Local Plan (2016) states that encouragement is given for proposals for new development and for refurbishment of, conversion or extensions to, existing buildings to demonstrate through a Design and Access Statement how:

- a) Sustainable design and construction methods will be incorporated, specifically, through the re-use of material derived from excavation and demolition, use of renewable energy technology, landform, layout, building orientation, massing, use of local materials and landscaping;
- b) The development will be resilient to the impacts of climate change;
- c) Potential adverse impacts, such as noise, smell, dust, arising from developments, both during and after construction, are to be mitigated.
- d) Biodiversity improvements are to be incorporated. This could include measures such as integrated bat and owl boxes, native planting or green roofs.

It is also noted that East Devon District Council has declared a Climate Emergency.

The application was supported by a Sustainability Statement.

The dwellings will be powered without gas using heat pumps. The homes will be constructed in line with requirement under Part L of the Building Regulations. These have recently been amended so that they surpass the CO₂ reductions strategies outlined in the Local Plan. High levels of insulation are proposed, intelligent junction design (i.e. using thermally broken lintels) to limit heat loss, dual zone heating controls, energy efficient lighting and white goods.

The application has been amended to include solar PV panels on the commercial workshops. Electric Vehicle charging points are proposed for each dwelling (72 no.) and also the commercial workshops (6no.). Due to the high efficiency fabric build proposed the developer is not proposing solar panels on the dwellings.

In summary, the proposal is considered to be acceptable in terms of sustainability considered to comply with the NPPF and Strategies 3, 5, 38 and 40 of the adopted Local Plan.

Biodiversity

Matters concerning biodiversity were considered and dealt with at the outline planning permission stage. Mitigation was secured via both planning conditions and as part of the S106 agreement. The site had a high concentration of slow worms, a protected species. In accordance with the terms of the outline permission, translocation of these to the Seaton Wetlands was completed in 2022 and is considered clear of them.

An updated ecological report is provided with this application to account for any changes since the grant of outline permission and to re-iterate the mitigation/compensation measures. These are comprehensive and address all the effects on species relevant to the site.

Enhancement measures are also described, including the provision of a bat roost building in the north-west corner of the site for greater and lesser horseshoe bats. Integrated bat and bird boxes will be included within the development. Habitat piles for reptiles/invertebrates will be created within the public open spaces and buffers. A hedgehog dome will be provided in suitable habitat and planting schemes shall include native and wildlife friendly species. The effect of the development on biodiversity is considered acceptable.

CONCLUSION

The scheme presents a satisfactory solution to designing the dwellings and workshops approved as part of the outline planning permission. The applicant has been responsive in terms of going back and addressing some design concerns raised in order to improve the landscaping, layout, permeability, drainage, scale and appearance of the development. The site will have adequate open space provision and provides for the open space required as part of the S106 agreement. While some design elements will remain sub-optimal it was recognised at the outline stage that there could be some negative impacts from the development and that this is a challenging site to develop; but it was considered that overall the benefits outweighed these in the planning balance. Subject to the conditions set out the reserved matters are considered acceptable and accordingly approval is recommended.

RECOMMENDATION

APPROVE subject to the following conditions:

1. East Devon District Council as Local Planning Authority HEREBY APPROVE THE FOLLOWING RESERVED MATTERS in respect of the above described development proposed in the application numbered as shown above and in the plans and drawings attached thereto, copies of which are attached to this notice relating to:-
 - (a) Appearance
 - (b) Landscaping
 - (c) Layout
 - (d) Scale

This Reserved Matters application numbered as shown above is made pursuant to the Outline Planning Permission (ref. No. 18/1850/MOUT) granted on 3 June 2020.

The following reserved matters in respect of the current phase of development have yet to be approved:

None

The following Conditions attached to the Outline Planning Permission (ref 18/1850/MOUT) referred to above and which relate to the part of the site covered by this reserved matters application are hereby discharged, have previously been discharged or remain to be complied with onsite but without the need for the submission of details or separate agreement:

- 1- Reserved matters
- 3 - Time for submission of reserved matters
- 5 - Site access in accordance with plans
- 7 - Hard and soft landscape plans/details
- 8 - Landscaping plans
- 9 - Groundworks and engineering plans
- 10 - Construction details of boundary wall and fences
- 11 - Landscape Management Plan
- 12 - Landscaping and green infrastructure plans
- 13 - Construction and Environmental Management Plan
- 14 - Construction and Environmental Management Plan
- 15 - Construction Management Plan
- 16 - Highways drainage
- 17 - Provision of highway infrastructure/parking prior to use
- 18 - Sustainable Surface Water Drainage Scheme
- 19 - Ecological mitigation, compensation and enhancement
- 20 - Updated reptile mitigation strategy
- 22 - SUDS system plans
- 23 - Drainage adoption
- 24 - Drainage works between demolition and completion of development
- 25 - Drainage works during development period

The following Conditions attached to the Outline Planning Permission referred to above remain to be complied with where details are required to be submitted prior to the commencement of development or installation:

- 6 - Contaminated Land Remediation completion reports and certificates
- 21 - Ownership, management, maintenance of EV chargepoint report

The following additional conditions are attached to this reserved matters approval.

2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. No development above foundation level shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
(Reason - To ensure that the materials are considered at an early stage and are sympathetic to the character and appearance of the area in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)
4. Notwithstanding the details shown on the plans hereby approved and as may be agreed under condition 3 of this reserved matters approval, no development above foundation level shall take place until details and samples of the materials to be used in the construction of the external surfaces of the buildings on plots 66-72 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.)
5. No development above foundation level shall take place until details, or samples where appropriate, of the finish of the fencing, walling or other boundary treatment have been submitted to and approved in writing by the Local Planning Authority. Each dwelling hereby permitted shall not be occupied until the fencing, walling or other boundary treatment relevant to that dwelling has been completed in accordance with the approved details and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), these walls and/or fences shall not thereafter be altered, removed or replaced without the prior written approval of the Local Planning Authority.
(Reason - To ensure that the details are considered at an early stage in the interests of preserving and enhancing the character and appearance of the area and/or protecting the privacy of local residents in accordance with Policies D1 -

Design and Local Distinctiveness and D2 - Landscape Requirements of the Adopted East Devon Local Plan 2013-2031.)

6. Samples of the external hard surfacing materials used in the development shall be submitted to and be approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. The development shall be completed in accordance with the approved samples.
(Reason: In order that the appearance of the development is satisfactory in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)

Plans relating to this application:

revision A	Construction & Environment Management PI	21.08.23
512-P-555 : existing discharge rates	Other Plans	26.07.23
512-P-553 : existing catchment	Other Plans	26.07.23
1491-EA-MD (1)	Ecological Assessment	20.12.22
1491-EA-MD (SEPT 2022) : impact assessment	Ecological Assessment	20.12.22
1112 F : storey heights	Other Plans	22.12.23
	Landscape and Ecological Management Plan	22.12.23
1110 K : planning	Layout	10.1.24
1111 I : materials	Other Plans	22.12.23
1113 F : land ownership	Other Plans	22.12.23

1114 F : enclosure	Other Plans	22.12.23
1115 F : external works	Other Plans	22.12.23
1116 F : waste collection	Other Plans	22.12.23
1117 G : parking/electric charging	Other Plans	22.12.23
1118 G : affordable housing	Other Plans	22.12.23
1119 B : solar PV plan	Other Plans	22.12.23
1140 C : gateway streetscene	Street Scene	22.12.23
1150 H	Sections	22.12.23
1151 C : technical	Sections	22.12.23
1152 C : technical	Sections	22.12.23
1160 G	Street Scene	22.12.23
1161 F	Street Scene	22.12.23
WAIN23460 11i : sheet 1 of 3	Landscaping	22.12.23
WAIN23460 11i : sheet 2 of 3	Landscaping	22.12.23
WAIN23460 11i : sheet 3 of 3	Landscaping	22.12.23
WAIN23460 12i : hard landscaping sheet 1 of 3	Landscaping	22.12.23

WAIN23460 12i : hard landscaping sheet 2 of 3	Landscaping	22.12.23
WAIN23460 12i : hard landscaping sheet 3 of 3	Landscaping	22.12.23
soft landscape mgt/maintenance	Landscaping	22.12.23
document issue sheet	General Correspondence	22.12.23
2350 A : house type elevational key	Other Plans	22.12.23
2340	Proposed Floor Plans	22.12.23
2341 B : plot 31/32	Proposed Elevation	22.12.23
2233 : plots 37/38/39	Proposed Elevation	22.12.23
2332 A : plots 22/23	Proposed Elevation	22.12.23
2330 A : plots 23/24/39	Proposed Floor Plans	22.12.23
2331 A : plot 24	Proposed Elevation	22.12.23
2321 B : chinley	Proposed Elevation	22.12.23
2320 B : chinley	Proposed Floor Plans	22.12.23
2312 D : ash	Proposed Elevation	22.12.23
2311 D : ash	Proposed Elevation	22.12.23
2301 E : merther (split down)	Proposed Elevation	22.12.23
2310 A : ash	Proposed Floor Plans	22.12.23
2300 B : merther (split down)	Proposed Floor Plans	22.12.23

2293 B : colyton (split down)	Proposed Elevation	22.12.23
2292 E : colyton (split down)	Proposed Elevation	22.12.23
2290 C : : colyton (split down)	Proposed Floor Plans	22.12.23
2291 E : colyton (split down)	Proposed Elevation	22.12.23
2361 A : stafford	Proposed Elevation	22.12.23
2360 A : stafford	Proposed Floor Plans	22.12.23
2284 E : foxton (split up)	Proposed Elevation	22.12.23
2283 E : foxton (split up)	Proposed Elevation	22.12.23
2282 E : foxton (split up)	Proposed Elevation	22.12.23
2280 C : foxton (split up)	Proposed Floor Plans	22.12.23
2281 E : foxton (split up)	Proposed Elevation	22.12.23
2271 D : hickory	Proposed Elevation	22.12.23
2270 C : hickory	Proposed Floor Plans	22.12.23
2262 : yew	Proposed Elevation	22.12.23
2261 D : yew	Proposed Elevation	22.12.23
2254 C : poplar	Proposed Elevation	22.12.23
2260 B : yew	Proposed Floor Plans	22.12.23
2253 C : poplar	Proposed Elevation	22.12.23
2252 C : poplar	Proposed Elevation	22.12.23
2251 C : poplar	Proposed Elevation	22.12.23
2250 A : poplar	Proposed Floor Plans	22.12.23

2234 A : coral	Proposed Elevation	11.1.24
2233 C : coral	Proposed Elevation	11.1.24
2231 D : coral	Proposed Elevation	11.1.24
2232 D : coral	Proposed Elevation	11.1.24
2230 D : coral	Proposed Floor Plans	11.1.24
2226 C : whitebeam	Proposed Elevation	11.1.24
2224 C : whitebeam	Proposed Elevation	11.1.24
2225 D : whitebeam	Proposed Elevation	11.1.24
2223 C : whitebeam	Proposed Elevation	11.1.24
2222 C : whitebeam	Proposed Elevation	11.1.24
2220 D : whitebeam	Proposed Floor Plans	11.1.24
2221 D : whitebeam	Proposed Elevation	11.1.24
2214 C : alder	Proposed Elevation	11.1.24
2213 C : alder	Proposed Elevation	11.1.24
2211 C : alder	Proposed Elevation	11.1.24
2212 C : alder	Proposed Elevation	11.1.24
2210 C : alder	Proposed Floor Plans	11.1.24
2200 C : candlewood	Proposed Floor Plans	11.1.24
2203 D : candlewood	Proposed Elevation	11.1.24
2202 D : candlewood	Proposed Elevation	11.1.24

2201 D : candlewood	Proposed Elevation	11.1.24
1611 D : B1 class units 3/4/5/6	Proposed Elevation	22.12.23
1610 D : : B1 class units 3/4/5/6	Proposed Floor Plans	22.12.23
1600 E : B1 class units 1/2	Proposed Floor Plans	22.12.23
1601 E : B1 class units 1/2	Proposed Elevation	22.12.23
2027 : 0.45m timber square post/tubular steel trip rail	Proposed Combined Plans	22.12.23
2026 : 1.1m guard railing for ramp	Proposed Combined Plans	22.12.23
2024 : 0.6m stone wall	Proposed Combined Plans	22.12.23
2025 : fence hedgehog gate	Proposed Combined Plans	22.12.23
2023 A : 1.2m guard railing for retaining wall	Proposed Combined Plans	22.12.23
2004 A : 1.0m guard railing	Proposed Combined Plans	22.12.23
2020 : 2.4m timber closeboard acoustic fence	Proposed Combined Plans	22.12.23
2019 : 1.2m timber post/rail	Proposed Combined Plans	22.12.23

2016 : 1.2m distressed brick wall/piers	Proposed Combined Plans	22.12.23
2018 : 1.0m timber bollards square/grooved	Proposed Combined Plans	22.12.23
2015 : 0.6m distressed brick wall	Proposed Combined Plans	22.12.23
2013 : 1.8m timber palisade fence	Proposed Combined Plans	22.12.23
2006 B : 1.1m bow top railing	Proposed Combined Plans	22.12.23
2012 A : 1.8m brick screen wall	Proposed Combined Plans	22.12.23
2005 : step handrail	Proposed Combined Plans	22.12.23
2001 A : 1.8m timber closeboard fence	Proposed Combined Plans	22.12.23
1713 : materials	Proposed Combined Plans	22.12.23
1712 A : residential bin/cycle store	Proposed Combined Plans	22.12.23
1711 A : residential cycle store	Proposed Combined Plans	22.12.23
1710 A : commercial cycle shelter	Proposed Combined Plans	22.12.23
1708 : adjoined twin garages	Proposed Combined Plans	22.12.23
1709 B : residential	Proposed Combined Plans	22.12.23

enclosed bin
store

1707 A : bat roost	Proposed Combined Plans	22.12.23
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1706 A : substation	Proposed Combined Plans	22.12.23
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1714 : car port double (terrace)	Proposed Combined Plans	22.12.23
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1705 A : car port double	Proposed Combined Plans	22.12.23
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1704 A : car port triple (semi detached)	Proposed Combined Plans	22.12.23
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1701 B : twin garage	Proposed Combined Plans	22.12.23
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1703 A : car port triple (terraced)	Proposed Combined Plans	22.12.23
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1702 B : double garage	Proposed Combined Plans	22.12.23
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1700 B : single garage	Proposed Combined Plans	22.12.23
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+ CEMP (rev 3)	Construction & Environment Management PI	10.11.23
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512-P-560 D	Flood Exceedance	10.1.24
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512-P-550 D	Impermeable Areas	10.1.24
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512-P-100 W	Engineering	10.1.24
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512-P-320 C	Attenuation Pond	10.1.24
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512-P-075 F	Drainage Strategy	10.1.24
-------------	-------------------	---------

Drainage strategy for planning Rev F 15.12.23 (report only)

512-P-004 E	Existing Levels	10.1.24
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1491-LEMP-MD	Landscape and	10.1.24
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(Rev 2)	Ecological Management Plan	
512-P-405-02 D	Vehicle Tracking Refuse	10.1.24
512-P-405-01 D	Vehicle Tracking Fire	10.1.24
512 Rev E	Colyton Drainage Strategy	10.1.24
512-D-570	Construction Drainage Plan	10.1.24
1491-AMS-MU Rev1	arb method statement	26.07.23

List of Background Papers

Application file, full consultation responses and policy documents referred to in the report.

EDDC Landscape Architect – 18/4/23

1 INTRODUCTION

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

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

2 REVIEW OF SUBMITTED INFORMATION

2.1 Layout generally

The revised layout has been significantly re-worked from that submitted with the pre-application enquiry. However the changes have gone in the wrong direction and the revised layout appears less coherent than the previous version and the indicative layout provided with the outline application and presents some significant levels and associated design issues which are not satisfactorily resolved.

Although reduced in number from the previous layout, the introduction of stepped, three storey dwellings in a serried row on the northwestern site boundary will form a prominent urban edge to the development at odds with the surrounding pastoral landscape. While this may be softened in time by proposed tree planting it is likely

that occupants of these units will seek to maintain open views out to the AONB hills to the north.

The layout creates a number of awkward left over spaces which have little purpose, such as to either side of the site entrance and to the east of plots 57, 59 and 60. There are also some smaller left over spaces such as to the east side of plot 62 which could be incorporated into private gardens.

The rear gardens to plots 25, 27 and 29 have been reduced in size and are now only 4m long with an outlook on to the rear of the commercial units. There is scope to increase their gardens by shifting commercial units 1 and 2 forward by 2m.

The attenuation basin has reduced in size and become an isolated feature, whereas in the previous layout it connected directly to the existing woodland to the north.

2.2 Vehicular circulation

The main site entrance road has an awkward kink in alignment at the junction to the commercial land, and the junction itself appears to comprise a raised carriageway table. The arrangement of surrounding footways seems to be at odds with this and it is unclear whether or not the table top is intended to be shared use. It would seem better to straighten the access road by shifting the junction mouth with Sidmouth Road 3m to the west and to have a standard junction arrangement at this location.

Beyond plot 55 the main site access road becomes shared surface but also widens to 6m width with no traffic calming features to slow vehicles. This could put vulnerable users at risk and appropriate traffic calming measures should be provided including narrowing the road width.

2.3 Pedestrian circulation

The footway to the west side of the access road at the entrance to the site is separated by a narrow grass verge and would work better if set against the carriageway edge.

The access steps leading to the open space between plots 57 and 60 seem over engineered and relate poorly to their surroundings. A more integrated design should be considered that incorporates direct access to the front entrances to adjacent plots.

Plots 57, 59, 60 have awkward frontage arrangements looking west towards the open space area but set some 8m below it. Pedestrian access arrangements for these units are unclear and there is a lack of definition between private curtilage space and public space which requires better definition.

The access routes to plots 1, 5, 9 and 47 are also unclear and difficult to negotiate. The rear access path around the perimeter of plots 31 and 32 seems unnecessary as rear access to plots 25, 27 and 29 can be gained from the side of plot 25. The omission of this path would also allow the gardens of plots 29, 30 and 31 to be extended.

A 1.5m width access path is required to the rear of plots 17-20 to provide clear passage for wheelie bins and cycles between the garden boundary wall and adjacent parking spaces.

Pedestrian access to the frontages of plots 1 and 2 would be better arranged so that it is outside of front garden plot boundaries. It should follow a straight line from the access road to the north rather than cranking around the parking bays for plot 2. A direct steeped connection should also be made from the southern end of the path to Sidmouth Road.

For plot 2 a direct access should be provided from the rear garden to the adjacent plot parking bays.

The access path connecting the frontage of plot 5 to its parking bay should be extended to provide a clear surfaced route to the parking court access road. A direct access path should be provided from the main site access road to serve the frontages of plots 22-24.

2.4 Levels

The significant changes in level across the site have resulted in the need for numerous stepped access routes to front doors with up to 19 steps required (plot 9) which is unsatisfactory.

Rear gardens in many instances entail even more steps (plot 11 has 37 steps to negotiate). Bin and/or bike storage arrangements in such instances need to be reconsidered – see section 2.7 below.

Steps to the front of plot 61 rise directly from the road edge. The steps should be turned through 90 degrees as for plots 48-51 to allow for a level landing space adjacent to the road edge.

In a number of areas significant height retaining walls are required particularly to the edge of the main open space and in the northeast corner of the site. In respect of the open space these could be substantially reduced by redesign – refer section 2.5 below. In the northeast corner of the site the alignment of the retaining walls follows a series of right angles forming an awkward development edge that could be smoothed by a more faceted alignment that would also create additional garden space for plots 41 and 42 and help to increase the distance of the retaining wall from the RPA of tree group G19 which in the present arrangement is likely to be compromised during construction.

The existing masonry retaining wall along the boundary with Sidmouth Road and associated bank rising above it should be clearly indicated on the levels and hard landscape works drawings and details should be shown of how it will finish in the vicinity of the site entrance. It would seem best if it was allowed to continue following the back edge of the footway to the west side of the site entrance.

It is noted that the main site access road has gradients of up to 1:13.

2.5 Open space

The main open space levels are challenging and arranging satisfactory access is difficult. In order to achieve a maximum 1:20 gradient a highly engineered design solution has been proposed entailing a regimented path with tight hairpin bends and extensive retaining walls up to 4.4m high and associated guard railing. The design does not reflect the rural edge character of the site and will result in poor visual amenity for users of the open space and also occupiers of proposed dwellings to the east which have a direct outlook on to it.

A more naturalistic arrangement designed to a maximum 1:15 path gradient is indicated in figure 1 below, which substantially reduces the height and extent of retaining walls required and provides an un-stepped and more direct pedestrian route connecting from the northern end of the site to the site entrance. Although at a steeper gradient, using tarmac rather than hoggin surfacing as currently proposed would reduce rolling resistance for wheel/ push chair users, countering the increased ramp steepness. It is recommended that the play area and access paths are redesigned along these lines.

Proposed play equipment is rather basic and uninspiring. There is opportunity to make use of the ground slope to enhance the play experience and provision should be made for natural play. Seating should be arranged in groups to encourage social interaction. If a fence is to be provided to the perimeter of the play space two entrances should be provided.

The landscape section drawing no. WAIN23460 20A shows retaining walls to the north and south edges of the play area. These are not indicated on the levels plan, dwg. no. 512-P-100, or the Hard Landscape Proposals plans. The drawings should be checked and amended so they correlate.

There is scope to provide a pond with permanent standing water in the open space area to the northwest corner of the site, fed from surface water discharges from plots 60-65, which would provide additional amenity and biodiversity value.

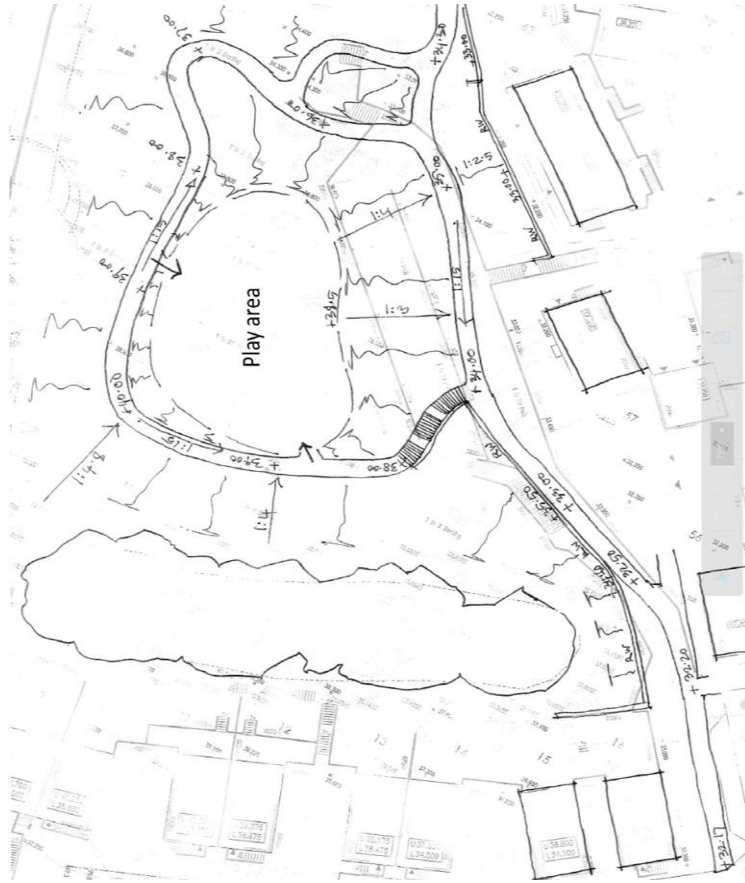


Figure 1 - Indicative alternative open space layout

2.6 Boundary treatments

Rear garden boundaries fronting public open space or communal areas should comprise brick walls rather than close board fencing. In a number of instances this is not the case – viz plots 2, 3, 4, 16, 21, 43, 52-54, 51, 56, 57, 58, 61, 63, 66, 72.

The proposed railings demarcating the narrow communal access between parking bays – eg. Plots 68-69 are likely to overly restrict car door opening for adjacent occupants, are vulnerable to being knocked during vehicular manoeuvring and should be omitted.

Close board fencing is proposed on top of the retaining walls around the perimeter of parking courts in the northeast corner of the site (parking bays 38-40 and 34-37) where it will accentuate the height of the walls and create unnecessary visual enclosure. It should be replaced with 1.2m high railings.

There is no need for close board fencing to the western boundary of plots 64 and 65 or to the north side of the rear garden access path serving plots 66-72 and a 1.5m high post and wire mesh fence would suffice. For plots 9-16 the outer fence along the rear garden access path should be railings with native hedgerow planting beyond to maintain privacy for occupants.

Close boarded fencing around private gardens should include 150x150mm gaps to allow passage of hedgehogs from surrounding areas and between gardens. This should be shown on the various close boarded fence details and locations should be included on the boundaries plan.

The appropriateness and need for a formal beech hedge to the west and south of the open space is questioned.

The railings to the frontages of plots 1 and 2 should be set to the inside of the access path to maintain defensible space for occupants.

A brick wall or railings should be provided to close off the southern end of the commercial units' courtyard.

The location of the courtyard gates to the commercial units, and/ or the access path to the entrance of unit 1, should be adjusted so that the gates do not obstruct the pedestrian access when open.

2.7 Cycle and bin storage and access

Provision for bin and cycle storage is largely based on store areas within rear gardens. For level plots this is generally acceptable but to the rear of plots 17 - 20 there is no footway provision linking from rear garden gates to enable bikes and wheelie bins to be brought out without squeezing between parked cars. To address this a minimum 1.5m width footway should be provided between the adjacent parking bays and garden boundary.

Proposed cycle stores appear to have overall external dimensions of 2 x 1m. This is inadequate and in all instances should be increased to provide internal dimensions of 2m x 1.4m with a 1m wide doorway. This is the minimum size required to accommodate 2 cycles. For 3/ 4 bedroom houses cycle stores should ideally be increased to accommodate at least 3 cycles. Stores should be fitted with security locks. Plan and elevational details of proposed cycle stores should be provided.

Where cycles are intended to be stored in garages, floor plans should be provided showing storage locations and access routes.

Details of cycle/ bin access routes through car ports for plots 59 and 60 should be provided.

A very narrow communal bin and cycle store area is indicated to the side of plot 25 to serve plots 25 and 30. It is difficult to see how this will work and plan and elevational details should be provided, bearing in mind minimum size requirements noted above.

For plots 3-5, 6-8, 9-16, 22-24, 48-51, 52-54, 66-72 proposed cycle store locations entail the negotiation of awkward flights of stairs which is unsatisfactory. Plot 65 does not appear to have a cycle store.

Covered cycle storage is required to serve the commercial units and locations and details should be confirmed.

Access to proposed bin storage locations for plots 23, 49, 50, 53 also entails a number of steps. Bin storage locations in all instances should be amended to provide clear and level access between bin stores and collection points.

A detail plan showing bin storage arrangements for commercial units should be provided.

2.8 Planting

Proposed ornamental shrub planting to the west of the site entrance is over fussy and unnecessary and the sun loving species indicated under the proposed beech tree will soon be shaded out as the tree matures. The planting design should be reconsidered to omit the ornamental shrubs to the west side and provide for well-placed large canopy tree (s) on the corner. There is scope for orchard planting on the bank between the site access road and the frontages to plots 1 and 2.

The line of proposed trees along the boundary with Sidmouth Road is situated too close to the existing retaining wall and likely to cause structural damage to it in the future. It would be better to set the trees and proposed hedge back to the top of the bank above it where they would be better able to screen the new development and to provide for a wildflower area with native bulbs on the bank itself.

Proposed fruit trees are placed in locations where they are unlikely to be readily accessible, such as to the rear of plots 64-65 and below the retaining wall in the northeast corner of the site. Chosen varieties tend to be commercial and are less likely to thrive in more neglected situations. Proposed locations should be reconsidered - there is opportunity for grouping in accessible locations around the site. Varieties of local provenance should be favoured. Rootstocks should be vigorous and should be specified in the plant schedule.

A woodland edge planting mix should be used between the rear of plots 9-16 and south and eastern edges of the existing tree group above.

A large canopy tree should be provided in the verge to the northwest of plot 32. Proposed trees within the attenuation basin should be selected to withstand waterlogged conditions.

Proposed planting to base of attenuation basin comprises standard grass mix and predominantly dry loving trees and shrubs. A more suitable damp meadow grass mix and associated planting would seem more appropriate.

There is scope for an additional tree to be planted in the northern corner of the commercial units courtyard.

The need for beech hedging around the substation is questioned.

More native structure planting is required to the small open space area to the northwest corner of the site particularly to the eastern and southern edges to help screen the development from open views to the northwest and as a buffer and screen around the proposed bat house.

Additional structure planting is required along the edge of the open space to the west side of plot 72.

The proposed line of three walnut trees to the north of plot 62 are too close together and should be spaced to 10m apart and omitting the Prunus Accolade to the northwest.

A medium canopy tree should be provided in the verges to the northeast gable of plot 63 and northwest gable of plot 65.

A medium/ large canopy tree should be provided in the incidental play space east of plot 65 and the three trees east of plot 64 replaced with two/ three larger canopy trees.

There is scope for an additional Prunus Accolade to the side of plot 48.

For trees within/ adjacent to hard pavings (eg commercial units courtyard) details of required tree soil volumes should be confirmed and the actual volume available for each tree should be confirmed. Calculations for soil volume should be in-line with current best practice. Where extended soil volumes are required under areas of hard paving details of appropriate crating should be provided.

2.9 Hard landscape details

Details of proposed retaining wall design and construction should be provided together with associated guard-railing.

Details of proposed traffic calming features and road kerbs should be provided.

For durability, timber gates (dwgs. nos. 2001, 2012 and 2013) should be drawn and specified as framed, ledged and braced.

Details of proposed inlets and headwalls serving the attenuation basin should be provided together with details of proposed make up of base and side slopes, silt traps etc. In accordance with CIRIA guidance the design of inlet/ outlet head walls should provide a neutral or positive impact on visual amenity.

2.10 Soft Landscape Management and Maintenance Plan and Landscape and ecology maintenance plan (LEMP)

It is unusual to have two separate documents submitted, prepared by different consultants, and covering more or less the same areas. The two documents do not appear to have been adequately co-ordinated and there are numerous instances of

contradictory information between them. The documents should be reviewed and a single LEMP submitted.

A soft landscape specification is required covering soil preparation, depth, quality, testing, cultivation and amelioration, planting, seeding and plant/ grass protection during establishment.

The LEMP should include measures for inspection of and maintenance of the attenuation basin and measures to address erosion and silting and clearance of inlets and outlets and associated channels to maintain free flow.

2.11 Other matters

Rear gardens should be provided with water-butts to collect roof rainwater for irrigation purposes.

3 CONCLUSION AND RECOMMENDATIONS

Additional and amended details are required to address the points raised in section 2 above, before the pre-commencement elements of conditions 1, 7, 8, 9, 10, 11, 12, 18, 22, 23, 24 and 25 can be discharged.

1 INTRODUCTION

This report forms the EDDC's landscape response to updated information recently submitted for the reserved matters application for the above site.

The report provides a review of landscape related information submitted with the application in relation to adopted policy, relevant guidance, current best practice and existing site context and should be read in conjunction with the submitted information. Points that have been addressed from previous comments dated April 2023 have been omitted from this report. Additional comments are shown in blue.

2 REVIEW OF SUBMITTED INFORMATION

2.1 Layout generally

The revised layout has been significantly re-worked from that submitted with the pre-application enquiry. However the changes have gone in the wrong direction and the revised layout appears less coherent than the previous version and the indicative layout provided with the outline application and presents some significant levels and associated design issues which are not satisfactorily resolved.

Although reduced in number from the previous layout, the introduction of stepped, three storey dwellings in a serried row on the northwestern site boundary will form a prominent urban edge to the development at odds with the surrounding pastoral landscape. While this may be softened in time by proposed tree planting it is likely that occupants of these units will seek to maintain open views out to the AONB hills to the north.

The layout creates a number of awkward left over spaces which have little purpose, such as to either side of the site entrance and to the east of plots 57, 59 and 60. There are also some smaller left over spaces such as to the east side of plot 62 which could be incorporated into private gardens.

The positioning of the site entrance is based on the illustrative masterplan submitted with the outline application. The present layout is markedly different and does not work well with the current entrance location. The attempt to make it fit has not worked and is an example of tail wagging dog. Revising the entrance by shifting it westwards 3m or so and tightening the entrance radii would be a significant improvement and would free up space within the commercial courtyard enabling trees to be reinstated within it.

There is an opportunity to provide an extra bespoke dwelling unit to the east side of the junction adjacent to plot 17 with a walled garden extending westwards along the frontage to Sidmouth Road. This would reflect existing town character and address one of the issues raised in the previous conservation consultation response.

The attenuation basin has reduced in size and become an isolated feature, whereas in the previous layout it connected directly to the existing woodland to the north.

Accepting that the layout will not change in this respect, further consideration needs to be given to the design of the attenuation basin which appears to be over engineered. Given the prominence of the basin in the centre of the development, further design input is required in order to ensure it is an attractive feature. What appears to be a raised planter incorporating a single bench in the northeast corner of the commercial units' courtyard is an inappropriate feature and would be better replaced by a decent sized single tree set in paving and possibly with a circular bench around it.

2.2 Vehicular circulation

The main site entrance road has an awkward kink in alignment at the junction to the commercial land, and the junction itself appears to comprise a raised carriageway table. The arrangement of surrounding footways seems to be at odds with this and it is unclear whether or not the table top is intended to be shared use. It would seem better to straighten the access road by shifting the junction mouth with Sidmouth Road 3m to the west and to have a standard junction arrangement at this location.

Beyond plot 55 the main site access road becomes shared surface but also widens to 6m width with no traffic calming features to slow vehicles. This could put vulnerable users at risk and appropriate traffic calming measures should be provided including narrowing the road width.

2.3 Pedestrian circulation

The footway to the west side of the access road at the entrance to the site is separated by a narrow grass verge and would work better if set against the carriageway edge. [The detail has been amended by removal of grass verge and its replacement with resin bonded gravel. This has no legibility and will appear as a random insertion of new paving material that serves no obvious purpose.](#)

The access steps leading to the open space between plots 57 and 60 seem over engineered and relate poorly to their surroundings. A more integrated design should be considered that incorporates direct access to the front entrances to adjacent plots.

Plots 57, 59, 60 have awkward frontage arrangements looking west towards the open space area but set some 8m below it. Pedestrian access arrangements for these units are unclear and there is a lack of definition between private curtilage space and public space which requires better definition.

The access routes to plots 1, 5, 9 and 47 are also unclear and difficult to negotiate. The rear access path around the perimeter of plots 31 and 32 seems unnecessary as rear access to plots 25, 27 and 29 can be gained from the side of plot 25. The omission of this path would also allow the gardens of plots 29, 30 and 31 to be extended.

[A 1.5m path has now been provided to the rear of plots 17-20 as previously requested but this has squeezed the courtyard space beyond and resulted in the omission of three central trees.](#)

Adjustments to the site entrance road as noted above would enable the courtyard to be widened and allow for the reinstatement of the trees. Climber pits should be provided at the back of the footway to the rear of plots 17-20 to help soften the appearance of the courtyard.

Pedestrian access to the frontages of plots 1 and 2 would be better arranged so that it is outside of front garden plot boundaries. It should follow a straight line from the access road to the north rather than cranking around the parking bays for plot 2. A direct steeped connection should also be made from the southern end of the path to Sidmouth Road.

2.4 Levels

In a number of areas significant height retaining walls are required particularly to the edge of the main open space and in the northeast corner of the site. In respect of the open space these could be substantially reduced by redesign – refer section 2.5 below.

The levels and hardworks drawings should clearly show how the masonry retaining wall to Sidmouth Road will finish in the vicinity of the site entrance. It would seem best if it was allowed to continue following the back edge of the footway to the west side of the site entrance. [A report on the condition of the wall should be provided and any remedial works identified should be incorporated in to the scheme proposals.](#)

[Levels across the commercial courtyard are problematic with units 3-6 set 1m lower than units 1-2.](#)

[Further levels detail at 1:200 scale or greater is required to demonstrate that levels work satisfactorily across the courtyard and particularly to the front of Units 1 and 2.](#)

It is noted that the main site access road has gradients of up to 1:13.

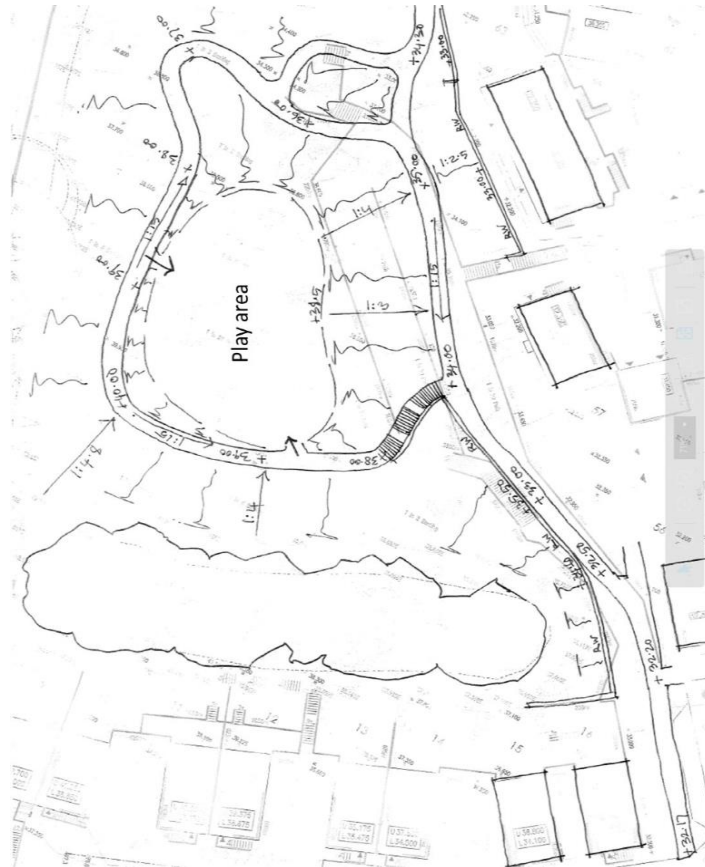
2.5 Open space

The main open space levels are challenging and arranging satisfactory access is difficult. In order to achieve a maximum 1:20 gradient a highly engineered design solution has been proposed entailing a regimented path with tight hairpin bends and extensive retaining walls up to 4.4m high and associated guard railing. The design does not reflect the rural edge character of the site and will result in poor visual amenity for users of the open space and also occupiers of proposed dwellings to the east which have a direct outlook on to it.

A more naturalistic arrangement designed to a maximum 1:15 path gradient is indicated in figure 1 below, which substantially reduces the height and extent of retaining walls required and provides an un-stepped and more direct pedestrian route connecting from the northern end of the site to the site entrance. Although at a steeper gradient, using tarmac rather than hogginsurfacing as currently proposed would reduce rolling resistance for wheel/ push chair users, countering the increased ramp steepness. It is recommended that the play area and access paths are redesigned along these lines.

Proposed play equipment is rather basic and uninspiring. There is opportunity to make use of the ground slope to enhance the play experience and provision should be made for natural play. Seating should be arranged in groups to encourage social interaction. If a fence is to be provided to the perimeter of the play space two entrances should be provided.

It is noted that to the north of plot 16 proposed guard railing for the retaining wall does not follow the line of the wall and should be adjusted so it does.



The proposed courtyard gates to the commercial units seem an unnecessary feature and should be omitted.

Details of proposed guard railing to tops of retaining walls should be provided.

2.7 Cycle and bin storage and access

Proposed cycle stores appear to have overall external dimensions of 2 x 1m. This is inadequate and in all instances should be increased to provide internal dimensions of 2m x 1.4m with a 1m wide doorway. This is the minimum size required to accommodate 2 cycles. For 3/ 4 bedroom houses cycle stores should ideally be increased to accommodate at least 3 cycles. Stores should be fitted with security locks. Plan and elevational details of proposed cycle stores should be provided.

Where cycles are intended to be stored in garages, floor plans should be provided showing storage locations and access routes.

Details of cycle/ bin access routes through car ports for plots 59 and 60 should be provided.

Plot 65 does not appear to have a cycle store.

Covered cycle storage is required to serve the commercial units and locations and details should be confirmed.

Access to proposed bin storage locations for plots 23, 49, 50, 53 also entails a number of steps. Bin storage locations in all instances should be amended to provide clear and level access between bin stores and collection points.

A detail plan showing bin storage arrangements for commercial units should be provided.

2.8 Planting

Proposed fruit trees are placed in locations where they are unlikely to be readily accessible, such as to the rear of plots 64-65 and below the retaining wall in the northeast corner of the site. Chosen varieties tend to be commercial and are less likely to thrive in more neglected situations. Proposed locations should be reconsidered - there is opportunity for grouping in accessible locations around the site. Varieties of local provenance should be favoured. Rootstocks should be vigorous and should be specified in the plant schedule.

A large canopy tree should be provided in the verge to the northwest of plot 32.

Proposed trees within and around the attenuation basin appear as a somewhat random mix of very large canopy and small canopy species. A more considered design is necessary around this central feature.

The raised planting bed in the northeastern corner of the commercial units should be omitted and replaced with a larger tree within paving.

The need for hedging around the substation is questioned.

Additional structure planting is required along the edge of the open space to the west side of plot 72.

Amendments have been made to the tree line opposite plot 62 but there is no species annotation. There should be three walnuts evenly spaced (approx. 7m crs).

Provide climbers at back of footway to rear plots 17-20 to soften boundary wall.

Proposed close board fencing to the south side of plot 64 and north side plot 65 would be acceptable if areas of native scrub planting were planted adjacent to them to screen the fencing from adjacent open space areas.

For trees within/ adjacent hard pavings (eg commercial units courtyard) details of required tree soil volumes should be confirmed and the actual volume available for each tree should be confirmed. Calculations for soil volume should be in-line with current best practice. Where extended soil volumes are required under areas of hard paving details of appropriate crating should be provided.

2.9 Hard landscape details

Details of proposed traffic calming features and road kerbs should be provided.

For durability, timber gates (dwgs. nos. 2001, 2012 and 2013) should be drawn and specified as framed, ledged and braced.

Details of proposed inlets and headwalls serving the attenuation basin should be provided together with details of proposed make up of base and side slopes, silt traps etc. In accordance with CIRIA guidance the design of inlet/ outlet head walls should provide a neutral or positive impact on visual amenity.

2.10 Soft Landscape Specification and Landscape and ecology maintenance plan (LEMP)

Soft specification

Para. 2.6 Topsoil to rear gardens including grass areas should be 300mm depth. Elsewhere topsoil to amenity grass areas should be 150mm depth. Soil preparation to areas of species rich grassland should comprise 100mm depth topsoil or PAS 100 compost on prepared subsoil and rotavated into top 150 mm subsoil.

Para. 3.17 –bark mulching to native hedges should be overall 2m width except where hedge is against boundary wall/ fence or paving in which mulch should extend from hard edge and to 0.75m beyond the outer hedge stems.

Para. 4.22 –Tree staking should be specified appropriate to proposed sizes of planting stock and detail provided for tree pits and staking.

Para. 4.25 Mulch for trees in grass to be spread in 1.5m diameter around base of tree.

LEMP

A condition survey of existing hedgerow should be provided identifying initial works and management prescriptions necessary to bring to good condition.

Table 2

Proposed hedgerows –replace failures years 1-5, examine guards yrs 1-5. Weeding should be by hand. Ongoing management cutting back should be to a little above rather than a little below previous cutline. Increase cutting frequency where necessary to keep clear access over adjacent paths and roads.

New native scrub –replace failures yrs. 1-5, examine guards yrs 1-5, hand weeding.

Monitoring –include for inspection by landscape architect at practical completion and inspection by ecologist and landscape architect years 1-5 and 5 yearly thereafter. Inspection reports to be provided following each visit scheduling works to be undertaken to address issues identified. Prescribed works to be undertaken in timely fashion.

The LEMP should include measures for inspection of and maintenance of the attenuation basin and measures to address erosion and silting and clearance of inlets and outlets and associated channels to maintain free flow.

It should also cover site furniture/ guard railing and inspections and maintenance of play equipment unless covered elsewhere.

2.11 Other matters

Rear gardens should be provided with water-butts to collect roof rainwater for irrigation purposes.

Roof and elevational details for the substation to the south side of the commercial courtyard should be provided.

3 CONCLUSION AND RECOMMENDATIONS

Additional and amended details are required to address the points raised in section 2 above, before the pre-commencement elements of conditions 1, 7, 8, 9, 10, 11, 12, 18, 22, 23, 24 and 25 can be discharged.

1 INTRODUCTION

This report forms the EDDC's landscape response to updated information recently submitted for the reserved matters application for the above site.

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

2 REVIEW OF SUBMITTED DETAILS

2.1 External Works Plan dwg. no. 1115 rev. E

- a) The revised plan shows the surfacing to the play area access ramp/ paths as hoggin. This has previously been queried and should be tarmac to facilitate wheel/ pushchair access and to minimise future maintenance costs.
- b) If hoggin is to be used to other paths a construction detail should be provided for this including source and specification of hoggin.
- c) There are discrepancies between the External Works Plan and Hard Works Plans where hoggin surface paths are shown on the paths between plots 57 and 60 and to the front of plot 47 on the External Works plan which are shown as Saxon slabs on the Hard Works Plans. For consistency Saxon slabs should be reserved for private access paths.

2.2 Enclosures Plan dwg. no. 1114 rev. E

- a) In a number of instances there are inconsistencies between the Enclosure Plan and the Hardworks Plans. Examples include frontage of Sidmouth Road where a post and rail fence is shown on the Hardworks Plan but not the Enclosure Plan and a timber planter shown on the Enclosure plan to the southwest of plot 5 is not shown on the Hardworks Plan.
- b) In some instances where retaining walls are proposed there is no guard railing provide eg open space between plots 8 and 9.
- c) An area to the rear of plots 64 and 65 and the western site boundary is fenced off with c/b fencing. It is unclear why. If fencing is required could it be changed to post and wire mesh which would also be easier to install on the steeply sloping ground?
- d) Proposed 'Brick framed openings' across private drives occur in two locations (plots plots 51/52) and 29/31). These appear to be random and unnecessary and their inclusion should be reconsidered.

2.2 Play area (refer layout, hard landscape and enclosure plans)

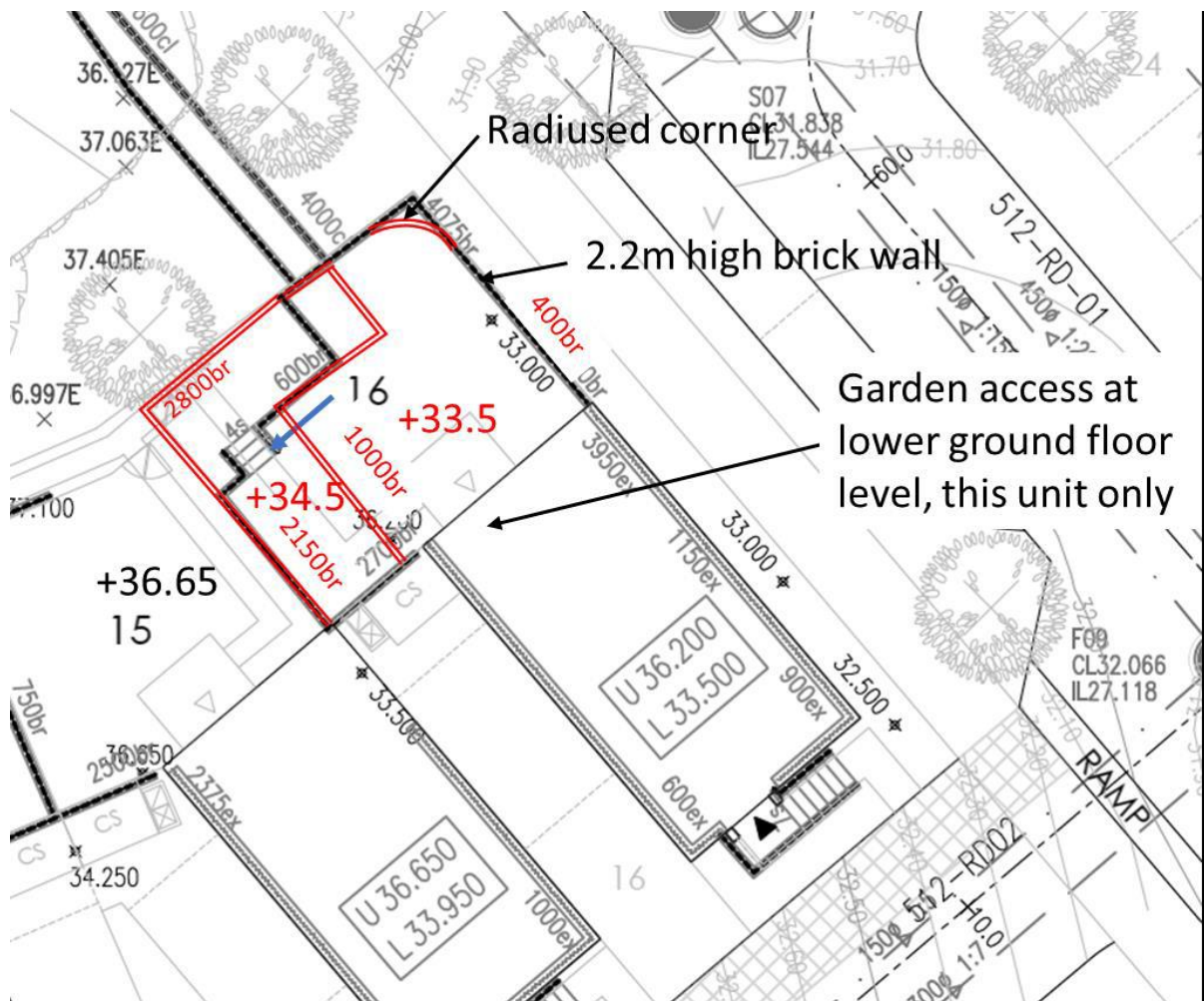
- a) I have previously made suggestions about the proposed access ramp to the play area which I still consider to be an over-engineered solution.
- b) With regard to the play area itself it is understood final design of the play area is subject to local consultation. Notwithstanding this, the bow top railings proposed around the play area seem unnecessary and result in a lot of wasted space on the surrounding banks outside of it. By amending the fencing as per overmarked plan

below the play area can be substantially increased in size allowing free play over the surrounding banks and reducing the amount of fencing significantly.



2.3 Engineering dwg. no. 512-P-100 rev. V

- a) The design layout still results in complicated access arrangements to many rear gardens entailing an unacceptable number of steps. Refer EDDC Urban Design comments for further commentary.
- b) There are a number of locations where retaining walls up to 4.2m high are proposed to retain rear gardens surmounted by 1.8m close board fencing. Particularly prominent amongst these is plot 16 where a 4.2m retaining wall and close board fence will tower over the main entrance road. By redesigning the house type to permit rear garden access from lower ground floor levels the rear garden can be reduced to street level and the level change more discretely accommodated at the boundary between plot 16 and 15.



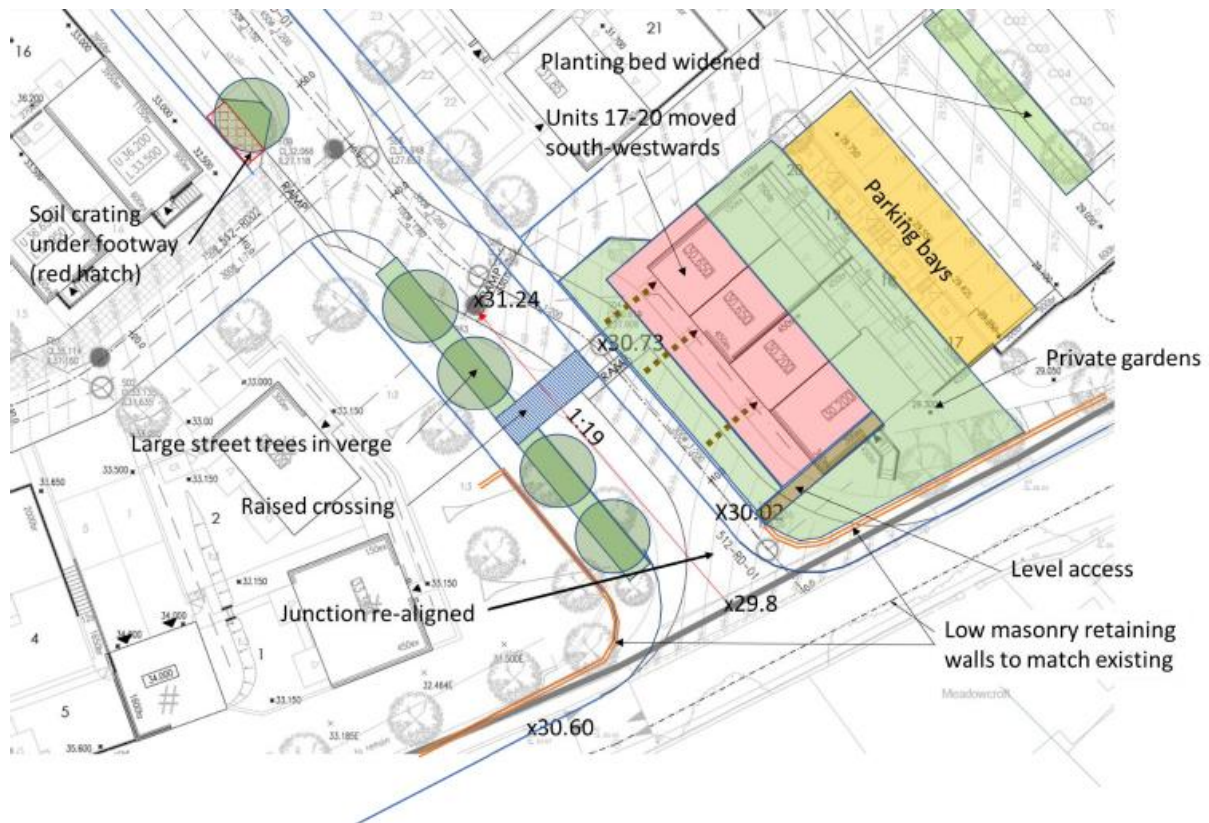
c) Where the access path to the north of the play area passes between the two sets of steps the retaining wall to the southwest should be amended to closely follow the path edge.

d) As noted in previous EDDC Urban Designer's response and landscape response the need for the two sets of steps on this section of path is questioned and it would be better to omit them and increase the ramp gradient accordingly.

2.4 Highway design

a) At a recent design meeting with the applicant concerns were raised regarding the alignment of the main entrance road and it was understood an alternative layout would be considered moving the entrance slightly westwards along Sidmouth Road. This has not been provided but is considered both feasible and desirable, creating more space within the commercial area courtyard, reducing the openness of the site entrance which is uncharacteristic in the setting of Colyton and reducing the extent of 'left over space' to the west side of the junction (refer overmarked plan extract below).

The junction radii should also be tightened to be more in keeping with Colyton street form and to reduce the crossing distance for pedestrians.



b) A plan should be provided showing the extent of adoptable highway within the site.

c) Details of proposed road junction crossovers, materials and markings should be provided together with details of proposed kerbs and edgings.

d) At the moment pedestrian/ vehicular priorities are very unclear at junctions off the main access road and additional detail should be provided to clarify this.

2.5 Commercial bike store, dwg. no. 1710 rev. A - Submitted detail is acceptable.

2.6 Residential bin and cycle store dwg. no. 1712 rev. A

o Refer EDDC Urban designer comments. Could e-bike charging point be provided please?

2.7 1.1m Guard railing for ramp dwg. no. 2026 rev. -

o Detail shows horizontal railing. Confirm detail for ramps and sloping wall tops.
o Confirm railing section sizes. Include for hot dip galvanising to relevant British Standard. Confirm paint finish.

2.8 1.2m guard railing for retaining wall dwg. no. 2023 rev. A

o Comments as dwg. 2026 above.

0.6m stone wall dwg. no. 2024 rev. -

Page 5 of 8

o Confirm source of stone

o Reference image should be of existing wall.

2.9 Hedgehog gate dwg. no. 2023 rev. -

- o Detail acceptable. Enclosure plan should be amended to show locations of holes and cross reference detail dwg.

2.10 Post & tubular rail dwg. no. 2027 rev. -

- o Detail should be high quality to reflect status of attenuation basin as key focal point.
- o Confirm post spacings, treatment and wood type.
- o Provide weathering to post tops
- o Confirm tube diameter, thickness and finish
- o Confirm fixing/ drilling to bollard
- o Provide details for how radiused and angled changes of direction will be dealt with.
- o Provision likely to be needed for a demountable rail section to facilitate machinery access to attenuation basin.

2.11 Bow top railings dwg. no. 2006 rev. B

Show how changes in ground slope will be accommodated.

Details of proposed self- closing gates for playground access are required.

Given the level changes around the play area a quality timber post and rail with mech detail would probably work better.

- o Confirm railing section sizes. Include for hot dip galvanising to relevant British Standard. Confirm paint finish.

2.12 Step handrails dwg. no. 2005 rev-

Detail is fine for short step lengths but further details required for steps where there is a fall height over 1m and where there is a high retaining wall to one side where a wall mounted hand rail would be more appropriate.

2.13 Steps

- o Typical details are required for steps to include associated wing walls. Separate details needed for private access steps and steps in communal areas.

2.14 Bat house

Proposed details should be provided including floor and roof plans, elevations and materials schedule.

2.15 Drainage details

Details of proposed inlets and outlets and associated headwalls etc. to the attenuation basin are required. Given the prominent location of the basin it is important that these are carefully designed to provide a positive or neutral visual impact.

2.16 Hardworks Plans dwgs. no. WAIN23460 12 G sheets 1-3

a) Generally

- o Plans should distinguish between proposed soft landscape areas and paving.
- o Proposed retaining walls and steps should be clearly indicated.

Proposed bench on ramp connecting path between plots 57 and 60 is awkwardly situated in a location that is likely to be uncomfortable for users. It would be better if it could be set back against the edge of the planting in front of the crib-lock retaining wall to the southwest. More information should be provided on levels and slopes in

this area as the ground slope indicated on the engineering drawing does not appear to have been taken account of.

b) Proposed post and rail fencing surmounting the existing retaining wall along the Sidmouth Road boundary is unnecessary and should be omitted.

c) Proposed post and rail fencing to the frontage of commercial unit 1 and through the centre of the car park are unnecessary, vulnerable to damage by manoeuvring vehicles and should be omitted. The latter is unnecessary as the submitted planting specification requires a post and wire fence to be provided within freestanding hedges to prevent pedestrian shortcutting during establishment.

d) Fence off bat house from adjacent open space.

e) The need for a high close board fence to the north side of the rear garden access path to plots 67-72 is unnecessary as there are no overlooking issues and it should be replaced with a post and rail or wire mesh fence.

f) Provide railings and gates to demarcate private front curtilages to plots 57 and 60 adjacent communal area.

g) There is an awkward fencing arrangement where the rear garden boundary to plot 63 meets the northeast corner of plot 59. It would be better for the southern garden boundary to plot 63 to be parallel to and off-set by 1.5m from the gable end of plot 59.

2.17 Soft landscape plans dwg. no. WAIN23460 11G sheets 1-3

2.17.1 Generally

Planting design is overly reliant on a palette of ever green shrubs and Additional herbaceous and or deciduous plants should be included to provide visual interest and accent and seasonal change.

In a number of instances tall plants are proposed adjacent roads and footpaths where growth will encroach over the paths with the likely result that they will be cut back as hedges rather than developing their natural form.

There are a number of awkward dead-end spaces created in the layout that only really become apparent when closely studying the planting plans. These include:

- o Frontage area between the commercial courtyard and Sidmouth Road
- o Frontage area between plots 1, 5 and 6 and Sidmouth Road
- o Corridor to west of plots 6-8 and 10
- o Enclosed dead end space to west plots 56-57
- o Rear plots 64-65
- o Land to rear (east) plots 39-42
- o Land to north plots 66-72 - both between application boundary and rear gardens
- o Northwest corner of the site west of proposed bat house

Further consideration is required to design out these dead-end spaces or provide more appropriate planting solutions for them.

2.17.2 Sheet 1

a) The proposed straight line of trees to the north of plots 67-72, while attempting to screen development from open views beyond, is unsympathetic both in terms of species and layout to local landscape character. Its effectiveness as a long-term screen is in doubt as occupants are likely to cut them back or remove them in order

to gain views out. A more considered solution to screening this edge of the development is required entailing appropriate management of the existing field boundary to the north of this and the creation of a new native hedgerow with trees and permitting some partial views out is required.

b) Provide native mix hedge to side of plots 67 and 72 offset 2m from building line to soften appearance of built form from adjacent open spaces.

c) Planting to rear plots 64-65 - Given that the area between the rear garden boundary and cemetery boundary is intended not to be accessible, the proposed combination of grass and native hedge and associated maintenance seems inappropriate and would be better replaced with a native scrub mix which would provide greater wildlife benefit and require less maintenance once established.

d) Proposed planting in the vicinity of the sitting area between plots 57 and 60 needs further consideration to account for required levels changes.

e) 10 *Cistus corbariensis* are proposed as climbers on the retaining wall opposite plot 60. This is presumably a drawing error as these plants are not climbers?

2.17.3 Sheet 2

a) A statement should be provided explaining the design intent for the attenuation basin planting; how the engineering aspects will accommodate this, in particular the areas of aquatic planting; the specification for soil make up and the anticipated maintenance requirements.

b) Planting to front of plots 40-42 appears excessively dense in comparison to similar planting elsewhere.

2.17.4 Sheet 2 insert

a) Proposed tree species in the centre of the parking are small canopy species and should be replaced with larger species such as *Acer campestre*. This is likely to require the use of soil crating beneath the car park to provide sufficient soil volume.

b) The narrow strip of planting between parking bay C06 and the sub-station is too narrow to sustain healthy plant growth, particularly accounting for the encroachment of concrete haunching to adjacent paved areas, and should be omitted.

c) The roadside open space area between the commercial units' parking court and Sidmouth Road is unconvincing and its intended purpose is very unclear. The proposed 1.8m high native hedge along the roadside will prevent views into it from the road. The position of the hedge along the back edge of the footway will result in maintenance issues as outward growth can be expected to extend by over a metre across the footway. Further consideration and explanation of the design intent for this space is required.

2.17.5 Sheet 3

a) Planting at the site entrance between the back edge of footway and the proposed retaining wall comprises a mix of large growing vigorous and (some) very thorny plants. My understanding is that the retaining wall is set back from the footway to maintain a visibility splay which the proposed planting will obstruct. If there is no visibility splay requirement the retaining wall should be brought forward to the back edge of the footway.

- b) Tree species and positioning on the bank to the front of plots 1-2 appears rather arbitrary and should be further considered.
- c) The narrow strip of planting between the carriageway and footway is unlikely to survive due to limited soil volume and probability of trampling damage. Where it runs adjacent to the visitor parking bays it would be best omitted to allow vehicle passengers to step out directly onto paving. The section south of the junction to plots 1-16 should either be widened to 2m incorporating trees or omitted altogether.
- d) Proposed magnolia trees in the verge to either end of the visitor parking bays should be changed to larger canopy street trees.
- e) Planting design within the play area will require amendments in line with comments at section 2.2 above. Notwithstanding a number of proposed planting beds within the play area would be highly vulnerable to trampling and should be omitted particularly the lavender beds to the east side of the circular sitting area.

LEMP

Previous comments on LEMP (31/89/2023) have not been made.

CONCLUSION & RECOMMENDATIONS

The above review represents a deeper dive into the details submitted with the application than has previously been conducted and identifies numerous shortcomings and areas where, notwithstanding the quantity of information provided, further detail and clarification is required.

It confirms also more fundamental issues in relation to layout and levels that have been raised in previous landscape responses particularly August 2023. Overall the submitted scheme fails to provide high quality design solutions to the complex site constraints and necessary to provide a quality environment for residents. Given the sensitivities of the site and its surroundings the application as proposed is considered unacceptable in terms of landscape design and impact and should be refused.

Introduction

The design of this proposal has changed a number of times since the first outline permission was submitted (18_1850_MOUT). Later proposals submitted for pre-app reflected realities revealed with more detailed site analysis that made it difficult, if not impossible, to achieve the 18_1850 layout. However, the layout submitted at that stage did not work well with the context and discussion looked at ways to move closer to the 18_1850 layout and include more variety in the design of the houses and design that worked better with the rural town context set by Colyton.

The proposal that is subject of this document is the second revision since those discussions and has taken on board some of the suggestions, but not all. As a result it works in many ways, while there remain concerns in others. I note the difficulty posed by this particular site and the effort made by the developers and design team to address both these challenges and the comments and suggestions to date in conversation and written responses from the LPA.

Comments within this Urban Design response are mainly contained in the accompanying annotated drawing. They are not exhaustive in picking up every detailed issue as there are so many and fundamental issues need to be addressed in the approach to the site that must resolve the more detailed matters that stem from the current design approach. This may sound damning but the design team and developer have worked hard to get this far on an extremely challenging site. Unfortunately there is still some way to go to make the proposal workable.

Comments on the proposal

Relationship to context

Colyton is an attractive town with a distinct character protected by conservation areas and a relatively high number of listed buildings for a small community. The predominant wall materials are stone, painted stone and render with a few brick houses, while roofs are slate or thatch. The streets are narrow with houses and other buildings opening directly off the back of the pavement. There is a lot of precedent for full-height rear garden walls running along street edges with access doorways through them. As is normal in traditional towns and towns the line of houses and walls along road edges is irregular so small informal spaces are formed throughout the town, particularly around junctions, giving it the character and feel associated with older towns. These spaces allow people to socialise informally without fear of cars and out of the way of people walking past.

The choice of housing and their external appearance is far more varied in this redesign. The layout works *on plan* to create a relatively convincing scheme with streets and spaces that appear to work well. However, the housing along the northern boundary is far too regular to co-exist peacefully with the neighbouring countryside and the high retaining structures to the north and north-east suggest that this development will loom over its surroundings and not present an attractive edge to this town.

Relationship to the site

The site topography is very challenging. The legacy of the Ceramtec factory is a series of heavily engineered platforms on a site that is on a steep gradient facing north north-east. The demolition of the buildings on site have left huge amount of rubble and debris from the buildings that will be challenging to remediate while maintaining good conditions for development.

The design of the layout is not effective in negotiating the tricky topography the site presents. The Planning Layout drawing, site elevations and sections are very hard to read, given the presentation style that is very attractive but obscures important details with texture and other fill patterns denoting various forms of vegetation. However, the engineering drawing is very clear and demonstrates that the design requires exceptional amounts of steps to access dwellings and gardens, a high number of retaining structures many of which are far too high to be acceptable or workable, especially given their impact on the usability or otherwise of outdoor spaces, both private and public. Many of the houses are on plinths, raising them above public areas they face, making these spaces less attractive and requiring many steps to access to front doors. Plots 6-16 suffer badly as do 21-24, 59-60, 63-64 and many more.

The choice to have the same finished floor level to all units surrounding the SuDS basin creates a flat platform and a retaining wall forming the north-east boundary that is up to 3.6m in height. Tree planting indicated north of this is unlikely to do well, and although there are established trees on this edge the height of this platform, with the buildings set level on top of it suggests that it will not sit well with the neighbouring buildings or be particularly attractive from view-points on the other side of the valley. This area of housing around the basin should have floor levels that are staggered down to more closely follow the natural topography and reduce the height of the retaining wall accordingly.

Access

Again, on plan this appears to work until drawings such as the engineering drawing that show the relevant information clearly are interrogated. This shows that accessibility to many of the dwellings is poor, with entrances facing the wrong way and raised above the area around them so needing steps to access them. This is not necessarily a problem but the number of steps to access front doors is in many cases far too high, especially as there are turns in these runs of steps making the business of entering one's home far more laboured than it should be. Rear gardens suffer very badly with many divided by steps and retaining walls while being heavily over-shaded due to their orientation and surrounding buildings. Often these make small spaces that are hard to imagine as attractive or in any way usable.

The reliance on steps means that there isn't level access to the commercial units from the street which makes the design discriminatory as this could surely be designed out. It is not enough to suggest that people with mobility impairment take the alternative route that adds a fair distance to the journey. This direct access at the south-east corner should have the steps designed out.

Comments on the drawings and conclusion

The drawings that have been submitted are very attractive as presentation drawings, but Planning drawings also need to convey information. Much of the necessary information is heavily obscured by texturing and collaged colours so although the drawings look good they do not do their basic job of telling the observer what they need to know. This is particularly marked with levels and access to homes.

The site elevations and sections are also attractive but do not reveal what they need to reveal due to essential information being obscured. These site sections are also too few in number and those that are missing would help observers understand what is happening with levels and how buildings relate to them. Some of the most helpful to be received have been indicated on the annotated plan. However, it would also help the design team as well as the Planning team and others to take sections through every home and garden to fully understand the implications of the design decisions taken in relation to levels and access. A shadow path drawings would also demonstrate which spaces are likely to be attractive and usable and which would be rendered dark, damp and essentially unusable as amenity space.

The proposal has come a long way, has dealt with significant challenges, but still has a way to go before it can be deemed acceptable or workable. The number, extent and height of the retaining structures makes for unliveable spaces and expensive site engineering. The platforming that remains on site prevents the proposal from following, or appearing to follow, the natural topography and will make it look unnatural and out of place with the existing town or the countryside around it. As it stands the proposal should be recommended for refusal but further conversation with the developer and design team would be very welcome to find ways to resolve the issues presented by this particularly difficult site.

Introduction

These comments have been structured in the same way as the last (drafted 09.10.23) to pick up any changes made as a result of those earlier comments, with additional points raised where relevant. The changes in this latest revision do not appear particularly extensive and their end result may therefore remain similar to what has been submitted before, but whether this will be sufficient to offset the design concerns raised will only be found as the aggregate impact is assessed at the end.

Comments

Drawing presentation and information

This point has been made before but the issue is repeated so is highlighted again.

Technical drawings, such as those submitted to Local Planning Authorities, are meant to convey information as clearly as possible. They can be well presented while doing so but presentation should help clarify what is being shown. Planning drawings can present how an applicant expects a proposal to appear once elements that take time to develop have done so, landscape planting being one example, but the base information of what buildings and other built elements will be like is of primary importance.

It can be difficult for professionals used to interrogating technical drawing packages to piece together information when it is missing or obscured in individual drawings. For members of the public, including councillors, these drawings can become impenetrable leaving the drawing package open to misunderstanding which risks poor decision-making and poor development outcomes as a result. Drawings should be drawn to clearly convey information in a way that reduces confusion ahead of any other consideration.

In the case of several plans and street elevations included in this and previous drawing packages for this application the base information in the drawings is overlaid with colours and texturing that illustrate planting and materials. This makes for attractive drawings, but often this also obscures the information within them. One street scene depicts landscape planting that has not been proposed in front of houses and fences that completely obscures what is behind rendering the drawing inaccurate and therefore useless.

Layout plans in previous drawing packages have been presented in a similar way with line-weights for built features being so fine and landscape colouring and texturing so heavy that the drawing no longer conveys the necessary layout information, particularly regarding gradients and steps. It has been the engineering and landscape plans, both being clear and without unnecessary decoration, that have provided the information necessary to understand what the layout drawing should be able to do on its own.



Figure 1. A 'Street Scene' drawing where elevations and proposed fences are obscured by illustrative 'planting' that is not present and not proposed.

The elevations and sections for buildings proposed in this application do not show them as they will appear on site. These drawings show the buildings without showing how entrances are accessed, if entrances are above adjacent ground level, or the structure below entrance level holding the building up as the ground level falls away. The drawings therefore fail to show how the buildings will appear on site or how they will be accessed.

Drawings submitted to LPA's need to include all relevant information for Planners, councillors and members of the public to review. Where buildings are raised above ground level this includes the built works from the ground up, including how entrances to the building will be accessed.

Elevation drawings in this package do not include anything below the level of the entrances to buildings but do include a heavy line running beyond the extents of the elevations that would normally indicate the ground line. This is not the case in most of the buildings on site and it is hard to see what this line represents instead but the result is very misleading.

Many of the buildings on site have one or more entrances set well above the adjacent ground level. These have to be accessed by steps which, coupled with the plinths on which they sit, can be expected to have a considerable impact on their final appearance and how the buildings read. There is an obvious practical impact when built that can also be affected by the design of the steps and any wall or hand-rail that protects from falls. The access to the entrances is not shown on elevations or plans for the buildings so it is difficult to gauge their visual or practical impact. Not all are shown in the 'street scenes' or 'technical sections' (both seem to refer to the same thing) and many of these are obscured by illustrative planting, as pointed out above.

Future drawings must include and show all relevant information as clearly as possible and without any of it being unnecessarily obscured.

Design comments

Site entrance

1. The footpath west of the site entrance remains along the road edge so cars have to cross it to access the parking spaces for plots 22-24. This sets up pedestrian / vehicle conflict that could be avoided. Running the footpath behind the parking spaces, as previously suggested, would remove the need for a separate footpath to these units, provide better defined outdoor space across their front elevations and therefore better defensible space;
2. The sharp changes of direction of the footpath on the eastern side of the entrance have been, along with the bollards, and has improved as a consequence.

Residential units on plots 9-16

Drawing information

1. The elevation drawings for the Foxton and Franklin units depict a ground line that is level with the front door. The drawings should go to ground level, accurately locate the ground line and include any raised plinth and stepped access and railings where this is not part of landscaping;
2. The kitchen window positions are annotated as being subject to external levels but these levels are known and set out on the engineering drawing. The window position should therefore be confirmed and set out accurately in these drawings;

Design

1. The amount of site preparation and earth movement, construction of retaining walls and plinths reduces the available margin on these units and there may be a case for a smaller number of units to allow a different arrangement that works more closely with the existing topography, reducing the amount of preparatory works and finishing with a more attractive end result;
2. Their orientation into the slope exacerbates the height difference between the front and back which then increases the height of the plinth each sits on to enable access to the rear gardens from the floor above the front entrance level. Re-orienting units by 90 degrees would reduce this height difference from front to back and may perhaps reduce some of the design difficulties that these units currently face;
3. These units are very tall relative to the space and context around them. As suggested in the previous comments, having accommodation in the loft space would reduce their overall height, reduce over-shading of the rear gardens and other spaces around them and improve their appearance.

4. The retaining walls and fences to the rear gardens and the plinths raising the houses make the spaces between the units very deep and quite oppressive. The parking space to unit 10, for instance, sits between elevations of 12.7m and 11.5m and faces a retaining wall and fence just over 6m in height. The space between 14 and 15 is the only one that is approaching normal proportions;

5. The rear gardens to these units are generally very over-shaded and it is difficult to see them being very attractive as a result. The gardens to 9-14 are all over-shaded to the south by the houses themselves and to the west by the retaining walls and fences of neighbouring gardens or the gradient to the site boundary. The gardens to 13 and 14 are least effective but they, like the rest, are also over-shaded by the embankment and established trees to the north. The shading from the north is important as the height of the trees reduces amount of visible sky and the ambient light that comes from it. The gardens from 9-12 are of particular concern because of this and the reduced amenity value they therefore have;

6. Access to the rear gardens involves a lot of steps along shared paths. Access for plots 9 and 10 is particularly hard work with a total of 40x steps and 1x change of direction to get to the garden at 10, 37x steps and 4 changes of direction to that for 9. It is hard to see someone carrying a few bags of compost up there very willingly and it again raises questions of the usability and amenity value of these spaces;

7. At plots 15 and 16 it appears the houses are raised by 1m on plinths so that they can access rear gardens from their first floor level. The rear gardens are raised to enable 1st floor access while still being accessed from the path that starts between plots 12 and 13. At plot 16 this results in a garden retaining wall of over 4m topped by a 1.8m close-boarded fence that overlooks the public domain. This seems a perverse design outcome based on a series of self-imposed false-premises.

8. Dropping the entrance level for units 15 and 16 by 1m to open at ground level, dropping their rear garden levels so they can be accessed from the back of their respective parking spaces or a shared access at the back of the parking for 16 would substantially reduce the retaining structure onto the public domain, while the gardens themselves are wide enough to allow split levels within them to reduce the height of retaining walls between plots;

9. The bin and bike storage for these properties looks ad-hoc and more afterthought than designed in. The design does not relate to the buildings or retaining structures around it;

10. Cycle and bin storage could be incorporated within the ventilated void or the raised plinth for a less cluttered appearance. Where one or other is not high enough relative to adjacent ground level they could be combined;

11. Whether or not the ventilated voids on the entrance level of these units are accessible from outside they could still be used as additional internal space, even just for storage, relieving pressure on other rooms within the house, making them

more liveable and with greater chance of converting the loft-space to bring the overall heights of the buildings down.

Units 6-8

1. Bin and bike storage looks ad hoc and out of place. It could be incorporated under the raised access path to the front entrances which would allow the properties to move east a little, increase rear garden space and reduce the number of steps needed to get to them as they would not be dug so far into the slope;
2. The rear gardens not have access via 18 steps but also need between 8 and 11 steps within them as they are relatively short and built into the slope;
3. As with the units from 9-16 it may be that reducing the number of units would allow those remaining to rotate 90 degrees and better negotiate the site topography. The rear gardens would benefit from no longer being built into a bank and may therefore be more easily accessed and less over-shaded.

Access to play area

Access from northwest corner of the site

- o The rise of the section with steps from plot 63 to where it joins the main path is 4.3 metres over a distance of 56.9 metres. Without the steps this would give a gradient of 1:13.2.
- o From the start of the path next to plot 63 to the play area entrance is roughly 120 metres. The distance between the same two points but using the road is 305 metres increasing journey distance by 185 metres;
- o The walk along the road to the path next to plot 56 includes a section that rises 2.1 metres over a distance of 26.1 metres giving a gradient of 1:12.4.

People unable to negotiate steps have to use the road to get to the base of the path next to plot 56 for step-free access. The steps are included to avoid a gradient steeper than guidance would suggest but results in a perverse outcome where the journey is longer, and in some parts steeper. The steps are likely to be more of a hazard than a sloping path due to trips and falls. Removing the steps and increasing the length of this section by a small amount to include landings would allow a shorter step-free route with a lower gradient than the current one.

3. The same can be done with unit 61 with a private front garden and a gate off the public footpath to form very clear defensible space;
4. The bench in between plots 57 and 60 appears to be on land that will be sloping to the extent the bench would be unusable;
5. People like to sit in places where they feel where they feel protected from directions outside their forward and peripheral view, including overhead, where that also affords some degree of privacy. The bench would be better if placed somewhere that planting or some other feature could provide this shelter.

Plot 31

1. The brick structure spanning the opening of the parking-space between 30 and 31 appears not to have any practical purpose and doesn't do much to improve the appearance of the street frontage.
2. Making this a car-port or putting a gate on the front to make it secure would give it purpose and reason to be there.

Plots 51- and 52

1. There is no practical purpose to the brick structure between these two units though it is probably to disguise the relatively large open space between them.
2. Providing this with a practical purpose would be more convincing and enable this space to become useful. Alternatives include:
 - a. a car port which would provide shelter, have some purpose to it and would be more visually successful as a result;
 - b. Use gates in the openings to make this space secure and therefore more usable. Bin and bike storage could be moved here from the rear gardens, for instance.

Units 66-72

1. Street elevation FF indicates planting obscuring the lower parts of the houses and the fencing at the back of their driveways and gardens. It is unlikely the proposed planting will obscure the units as depicted and this elevation should be shown as it would appear when built. Trees indicated on the planting plan should be shown as outline and without foliage to show the proposals as they might be in winter or when hedges are cut back;
2. Unlike the other street scenes or technical sections street scene FF does not include the view of development rising behind the line of houses. This should be included to maintain consistency and provide an accurate impression of the proposal's appearance;
3. The section line to the side elevations of the Colyton / Merlin units should indicate the structure of the bridging section where it actually is, at first only. Currently the section line indicates structure to ground level, where it isn't. The wall

with window beneath the bridging section should be drawn in full with hatching to indicate shadow should this be thought necessary to enhance the clarity of the drawing;

4. These units are tall when seen from outside the site with potential to convert to 2.5 storey to reduce overall height;

5. As stated in previous comments, these units present a very regular and rather engineered elevation that will be very visible from view points on the lanes and public rights of way on the other side of the river valley. The design of the units and the regularity of the spacing is more sub-urban than would be expected at the edge of a village in such a rural setting;

6. The accommodation bridging the parking on the Merlin units appears out of keeping, particularly with their location on the edge of the development and edge of this rural village. If a fourth bedroom is needed could this not be part of habitable loft-space thereby avoiding the need for the 'bridge'?

7. There is an understandable need to reduce light-spill to the ecology buffer north of the rear gardens, especially with light-sensitive bat species such as lesser horseshoe bats in the area. The 1.8m pallisade fences to the rear gardens and 1.8m close-boarded fence on the north side of the path to access them help reduce the light-spill from the ground floor but their effectiveness for light from 1st and 2nd floor windows has not been assessed. The lighting strategy only addresses external lighting and nothing from upper floor lights so there is still a question about the effectiveness of mitigation measures such as these fences;

8. The fences add another hard built line into the view from across the valley and are unlikely to integrate well with the view of Colyton from the view-points there. The fences are obscured by planting in street elevation FF and it would be helpful if this were not the case;

9. Views from the rear gardens are fully obscured by the fences, which seems a shame, given that this would be such an asset for houses on this site;

10. The area north of the path serving the gardens is fully enclosed on either side and it is difficult to understand why this would be the case. Without the fences to either side it would remove the need for the gates and allow better access for maintenance;

11. The path to all the rear gardens is accessed from just one point between plots 68 and 69 and necessitates a relatively long walk to get to the plots at either end when in many respects the rear gardens might be better accessed with steps directly into each garden from the back of the parking spaces;

12. Overall, these plots have to negotiate difficult topography and constraints posed by the bio-diversity of the area. The design approach has resulted in rear gardens that are difficult to access, a continuous fence-line facing out of the site, views across the valley that are blocked and a line of houses that feels out of place at this visible interface between a small rural village and open countryside.

Units 65-66

1. Why is the area east of the gardens to these plots enclosed? Surely there is only need for fall protection to the back and sides of the gardens.

Units 39-42

1. The retaining wall north of these units is high, but is set behind established trees so is less likely to be visually intrusive to view points across the valley or to the back gardens of the houses that form the existing edge of Colyton;
2. The 1.8m high garden fences that top the retaining wall add to the height. The gardens back onto open space that seems unlikely to see much use and without visible or physical connection to the back gardens runs the risk of being used to dump garden, or other, waste. Creating visual or physical connections to this area bordering the gardens would deter this behaviour and make it less likely to become a nuisance or eye-sore;
3. The height of the retaining wall and fence make the area immediately north of it heavily over-shaded. The suggested tree planting here seems unlikely to do very well as a result, especially the Cox's Orange Pippin, when apple trees need a lot of sunlight to thrive. It also seems an odd choice to put an apple tree somewhere people are unlikely to go;
4. These plots are raised up, in part, so that surface water from them drains into the SuDS basin. Using a hybrid SuDS strategy, perhaps combining the basin with an underground crated system taking the run-off from plots that would be below the level of the basin if they were not on a platform, might reduce the need for a platform this high, reduce the height of the retaining wall and enable fences to rear gardens that are not so high and therefore allow a more visually permeable edge to the development.

Overall conclusion

This is a long set of comments on a highly complex site and difficult site. All those things that an Architect would get excited about become technical difficulties and financial liabilities when a housing developer with design and portfolio constraints comes to try and make the site work for them. It is a site that inevitably results in difficult design compromises but the balance of benefits that result can make those compromises worthwhile.

The Planning history for the site saw a very compelling layout and design included as part of the Outline permission. This provided a benchmark for the way development could negotiate the transition from open countryside to this very beautiful and largely unspoilt East Devon village. When putting together this Reserved Matters proposal the developers and their design team found that they could not make the outline layout work once detailed site measurements and analysis were available. The steep topography, the relationship of open countryside and the built heritage within the village of Colyton, the richness of the biodiversity

that is such an important and defining feature of this part of East Devon, all form constraints on any design outcome but negotiating these constraints and often conflicting requirements of a brief are precisely what the design process is for.

The developers and the design team have come a long way from the first Reserved Matters proposal. The initial proposal had a limited palette of house types and materials set in a layout that, like the houses, was very modern and suburban in appearance. The current proposal includes a far wider range of houses with some bespoke to this site, and a wide range of material finishes that are far more in keeping. The layout has moved away from the initial linear and formal layout it had, taking in some of the features of the Outline layout to become far better and more relaxed.

Despite moving so far it has felt like an understandable element of design-fatigue and reluctance to move away from earlier design approaches has held back recent changes. The current proposal still, in places, betrays its origins within that more formal suburban layout. There are issues such as access to and amenity of rear gardens, high retaining structures and fences or the appearance of the proposal from outside the site that remain awkward. It means that there are significant parts of this proposal that do not satisfy policy within the Local Plan, particularly policies D1 and D2.

There is a question over the inevitability of the issues identified due to the nature of this site, of whether there are alternative design approaches that could avoid them. There is a question about whether such alternatives would be feasible or viable. I would argue that this is the case, that viable alternatives are available and some of these issues are not inevitable, certainly not to the acute level seen within the current proposal. Although so much has already been done, the cumulative impact of these issues is high enough that it outweighs the imperative to develop this site and as a result they should be addressed. It is not an easy conclusion to come to but, as a result, the proposal is not one that can be supported in Urban Design terms without this being the case.

Conservation – 18/5/23

It might be worth re-visiting the comments made by Conservation on the Outline, see below, as looking briefly at the current MRES, it appears that they have not necessarily taken on board comments particularly relating to the streetscene, 'local' surroundings etc. The red text relates to the amended plans on the OUT and is not a comment on this MFUL. Thanks.

ADDRESS: Former Ceramtec Factory Sidmouth Road Colyton

GRADE: II APPLICATION NO: 18/1850/MOUT

CONSERVATION AREA: Adj Colyton

Amended plans received 23rd April 2019:

Keep the existing brick buildings within east of site on road frontage. More details are required for the potential for conversion and type of use. More information requires regarding the current condition and use, if any. The preference would be for residential in this area, as it is next to existing housing.

Key: Building 4 in Heritage Statement & Design & access Statement not shown sufficiently clearly or labelled on plan.

It is still not clear if this is included within the site boundary or the outline application. No details of how this part of the site is to be addressed. The proposals in illustrative elevation shown as B-B appear to stop at the entrance to the site and do not show the business use or existing buildings;

No development historically on site – remained open countryside until factory built – there appears to be no history of the site or when it was first built.

Strong street frontage is needed. *This has not been addressed and little change has been made to the layout on this part of the site and fails to follow any pattern of development typical of Colyton. There is concern relating to the area west of the entrance and the relationship between what appears to be the pedestrian access directly into the parking area. The relationship between the footpath, housing and parking and its link to the footpath to the north leading to the area of open space;*

Housing needs to be closer together, longer terraces, less spacing, rather than more individual detached houses or pairs. The design justification for the gable ends of road fronting houses weak. It was explained that it was informed by the two houses opposite, however, they are the exception. It was suggested that this was revised in settlement pattern for the site as well. *The pattern of the housing has been improved in part and individual units closer together. However, the scale of the dwellings, particularly on the corner at the entrance into the site are too high and out of scale with the surrounding development, which in Sidmouth Road and the wider Colyton Conservation Area is mainly two storey;*

Car parking to offices onto frontage not acceptable. *Concerns relating to the relationship between the business use and the new housing and garden space now backing onto the parking area;*

The overall layout is too suburban, it doesn't follow the street patterns and character of Colyton. Road lengths are too long and too generic. The road system appears to be standard with T shape turning areas and courtyards forming uncharacteristic endstops to the groups of housing development. The main access road needs to be curved and not lead into the site including the shared surface area. It is too dominant as it is. Need to be less uniform. *Some improvement;*

It was discussed that the design inception came from farm courtyards, however, the opinion of the Conservation Officers, is that it failed to achieve this due to the loose and random grouping of the houses rather than a tighter grouping. The parking areas are very significant/dominant. Farmstead courtyards not appropriate context for the housing development as this is a town surrounded by open countryside not farmland/farmsteads. Any development should follow the townscape rather than farmscape. *This has been taken on board and with some changes to the layout. However, the end result is now more housing surrounding car parking areas, particularly the central block, with less garden space;*

Gardens backing onto each other do not follow the traditional pattern of long/linear gardens of this area. *Not addressed;*

East of site closest to boundary of site and listed buildings & traditional cottages etc in Colyton any development for housing to be subservient. *Only slight change to layout;*

Materials: traditional to match existing (render, brick, stone, slate) subject to conditions and samples. *These should look to mainly reflect Colyton itself, but there maybe an opportunity to look at different materials throughout the site appropriate to the overall style and design of the dwelling and its location within the site;*

There was a meeting on site with the agents on 15 November 2018. The two Conservation officers and landscape architect attended. The above matters were discussed as well as a walk around inside the site.

A further survey of important sight lines in was assessed by the officers post meeting. It was agreed at the meeting that the architect would come back with revised drawings based on discussions on site. To date this appears not to have been submitted.

The (inclusive) historic buildings with courtyard that appear to be attached at the rear to the factory buildings and are hidden behind tall wooden gates that open onto Sidmouth Road was discussed too. It was suggested that this could possibly be dealt with as a separate/sub project. The agent explained that the proposal is for the attached neighbour to acquire one (single storey?) building, convert/renovate the two storey brick house and demolish the brick industrial building. It was advised that any demolition needs to have adequate justification and evidence as part of any future application. It was impossible to see into the sight from the road other the roofs. *As suggested above this part of the site needs further clarification.*

The Landscape & Visual Impact Appraisal looks at the Historic Environment in Section 4.2 and picks up many important points relating to the heritage assets within

the surrounding area, both listed buildings and the Colyton Conservation Area. However, whilst these are emphasised in paragraphs 4.2.3 (views) and 4.2.9 in the identification of street pattern, boundary walls, mix of building types, etc this has not been translated into the proposed layout and illustrative scheme. There is also concern that views of the Church need careful consideration in relation to building heights when viewed from the east along Sidmouth Road. Whilst it is agreed in paragraph 7.3.5 that the change to the Conservation Area is high, the effect on the Conservation Area, noted as Major Positive, is not. A better understanding of the heritage assets as set out in the preceding paragraphs, needs to be given more weight and the impact of the proposals revised in relation to the existing settlement, its built form and wider context. Consideration of setting needs to be addressed for those listed buildings some distance from the site but still within important views, for example, the Church, and Tannery.

Conservation – 30/8/23

Colyton is a small market town. The historic core comprises a wealth of historic buildings and is characterised by a narrow built form with winding streets and tight spaces.

The revised layout does not appear to have changed very much and there is still concern over the lack of a strong street frontage. Whilst the dwellings are mainly two storey there are still 3 storey elements not in keeping with the surrounding area. The link to the character and appearance of Colyton and the overall pattern of development, is still not convincing.

With regards the detailing of the specific house types, the fenestration, particularly on the principal elevations does not reflect the local patterns and should have a more vertical emphasis rather than horizontal with more appropriate division. The modern interpretation referred to in their Statement is not necessarily appropriate here and should perhaps follow the local context and townscape of Colyton more closely.

Conservation – 29/11/23

Only minor changes appear to have been made to the layout, taking on board some of the suggestions made by the Urban Design Officer and there is still concern over the lack of a strong street frontage. Whilst the dwellings are mainly two storey, there are still 3 storey elements not in keeping with the surrounding area. The link to the character and appearance of Colyton and the overall pattern of development, is still not convincing.

County Highway Authority – 27/2/23

Observations:

The County Highway Authority (CHA) has reviewed the submitted plan, 17123_L02.01. We are satisfied that the proposed plan allows for sufficient off-carriageway parking with dedicated parking spaces, together with sufficient space for off-carriageway turning that can be facilitated by refuse and emergency service vehicles.

I have also reviewed the Submitted Travel Plan and I am satisfied with the mitigation and provisions accompanied under this document. Similarly, I am also satisfied with the provisions and mitigation's incorporated within the Construction and Environment Management Plan (CEMP)

Recommendation:

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

County Highway Authority – 31/7/23

Observations:

The County Highway Authority (CHA) has reviewed the submitted plan, 17123_L02.01. We are satisfied that the proposed plan allows for sufficient off-carriageway parking with dedicated parking spaces, together with sufficient space for off-carriageway turning that can be facilitated by refuse and emergency service vehicles.

I have also reviewed the Submitted Travel Plan and I am satisfied with the mitigation and provisions accompanied under this document. Similarly, I am also satisfied with the provisions and mitigation's incorporated within the Construction and Environment Management Plan (CEMP)

Addendum 28/07/2023

I have reviewed the amendments submitted under this application and the CHA have no further comments to add.

Recommendation:

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

Environmental Health – 27/1/23

I cannot locate any ground reports submitted with the application therefore, I cannot recommend the discharge of condition 6.

I have reviewed the submitted CEMP and I am satisfied that condition 14 can be discharged.

Environmental Health – 1/8/23

Form the Phase II report (GCE00622/R1) - two site locations were found to have elevated levels of lead and one location was found with elevated levels of PAH with the recommendation for further sampling and possible remediation. I can find no references to any remediation or site validation. This information is required before any recommendations can be made.

Environmental Health – 29/11/23

I have considered the application and do not anticipate any environmental health concerns.

Contaminated Land Officer – 15/9/23

I am satisfied with the required remediation measures detailed within report GCE00622/R3. However, validation Certs & reports are still required once the remediation has been completed.

Contaminated Land Officer – 1/8/23

From the Phase II report (GCE00622/R1) - two site locations were found to have elevated levels of lead and one location was found with elevated levels of PAH with the recommendation for further sampling and possible remediation. I can find no references to any remediation or site validation. This information is required before any recommendations can be made.

Contaminated Land Officer – 29/11/23

As per my previous comments

DCC Flood Risk Management Team – 19/1/23

Recommendation:

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

Observations:

The applicant have submitted Ceramtec, Colyton Drainage Strategy (Report Ref. 512, Rev. B, dated December 2022).

The overall area of 3.1ha has been used to derive greenfield runoff rate. The applicant must note that, in accordance with Chapter 24.2 of CIRIA's SuDS Manual (C753), the runoff areas used in greenfield runoff rate calculations must be consistent. The applicant will therefore be required to revise the proposed offsite discharge rates to accord with the area being positively drained to the proposed surface water drainage management system.

The existing impermeable area is 1.93ha and the proposed development impermeable area is 1.227ha.

The applicant has quoted two different figures of the percentage of existing impermeable area against the total site area. Section 3.10 of the above report quoted 62% but Appendix D quoted 43%.

Section 6.3 of the report mentioned that the runoff volume is not increasing and therefore limiting discharge to Q_{bar} is not required. It is unsure how the applicant came out with this conclusion.

The applicant shall clarify the exceedance pathways and overland flow routes across the site, for example, it is unclear where the continuation of the flow path near to A1 Unit 2 and as to whether consideration has been taken to ensure that the flow path will not cause any third party flooding.

The applicant has submitted some indication of the adoption and maintenance of the proposed surface water drainage management system. The confirmed final adoption and maintenance of the proposed surface water drainage management system must be submitted in the discharge of condition stage.

DCC Flood Risk Management Team – 30/8/23

Recommendation:

Although we have no in-principle objection to the above planning application at this stage, the applicant must submit additional information, as outlined below, in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

Observations:

The applicant have revised Ceramtec, Colyton Drainage Strategy (Report Ref. 512, Rev. D, dated 10th July 2023).

The existing impermeable area is 1.93ha and the proposed development impermeable area is 1.227ha, out of the overall area of 3.1ha. The applicant are provided betterment compared to the brownfield site by restricting the flow to 15l/s for Q1, 35l/s for Q30 and 47l/s for Q100. Section 6.5 of the above report has, however incorrectly referred the discharge for the 30 year event via orifice or gate within the Vortex control culvert with a 45% allowance for climate change. This should be the 100 year event.

It is proposed to attenuate the flow via a detention basin with a low flow channel to allow part of the system to be online. The surface water will then potentially be discharged into the River Coly via Mill Leat. The outfall will be constructed by South West Water via requisition. The applicant shall confirm this information should they are planning to get the surface water drainage related conditions discharged.

The applicant are seeking to discharge Conditions 22, 23, 24 and 25 of the outline planning permission. Condition 24 was previously discharged under 18/1850/MOUT and therefore the applicant shall clarify why this condition is submitted for approval. For the other Conditions 22, 23 and 25, the applicant shall submit additional information to enable these conditions to be discharged.

For Condition 22, the submitted Drawing Drainage Strategy for Planning (Drawing No. 512-075, Rev. D, dated 11th July 2023) does not provide sufficient details like, level, gradient etc. to enable review to be carried out.

The applicant must submit information regarding the adoption and maintenance of the proposed surface water drainage management system in order to demonstrate

that all components will remain fully operational throughout the lifetime of the development to enable Condition 23 to be discharged. Section 9 of the above report still mentioned that the detention basin and flow control will either be adopted by regulated adopted body or a private management company.

No detailed proposals for the management of surface water and silt runoff from the site during construction of the development is submitted to enable us to review Condition 25.

Hock Lee
Flood and Coastal Risk SuDS Engineer

DCC Flood Risk Management Team – 4/12/23

Recommendation:

We are happy to recommend the discharge of Conditions 22, 23 and 25 of the above planning permission.

Observations:

The applicant have revised Ceramtec, Colyton Drainage Strategy (Report Ref. 512, Rev. E, dated 14th September 2023).

The existing impermeable area is 1.93ha and the proposed development impermeable area is 1.227ha, out of the overall area of 3.1ha. The applicant are provided betterment compared to the brownfield site by restricting the flow to 15l/s for Q1, 35l/s for Q30 and 47l/s for Q100.

It is proposed to attenuate the flow via a detention basin with a low flow channel to allow part of the system to be online. The surface water will then potentially be discharged into the River Coly via Mill Leat. The outfall will be constructed by South West Water via requisition. The applicant shall confirm this information should they are planning to get the surface water drainage related conditions discharged.

For Condition 22, the proposed drainage strategy is shown on Drawing Engineering (Drawing No. 512-P-100, Rev. U, dated 21st July 2023).

For Condition 23, the applicant have confirmed via an email that the on site proposed surface water drainage will be offered to IWNI for adoption and maintenance. The requisition of sewer outside of the development will be adopted by SWW. Section 9 of the above report, however still mentioned that the detention basin and flow control will be adopted by a private management company and regulated adopted body respectively.

The applicant have submitted the Land off New Sidmouth Road, Colyton Construction Method Statement & Construction Environmental Management Plan (Report Ref.-, Rev. 3, dated 06th November 2023) to detailed proposals for the management of surface water and silt runoff from the site during construction (Condition 25). This is supported by Drawing Construction Phase Drainage Plan (Drawing No. 512-D-570, Rev. B, dated 01st December 2023). It is proposed that five cut-off drain with bunds will be provided to capture construction phase surface water runoff.

Yours faithfully
Hock Lee
Flood and Coastal Risk SuDS Engineer

Devon Wildlife Trust

We object to the planning application because we consider that the proposals do not provide sufficient evidence to satisfy the requirements relating to biodiversity in paragraphs 174d and 175d of the National Planning Policy Framework. Furthermore, the Environment Act 2021 and National Planning Practice Guidance requirements relating to biodiversity net gain have not been addressed. These requirements are reproduced at the end of this letter.

The comments provided below are based on an Ecological Impact Assessment produced by GE Consulting Ltd (September 2022). We consider that insufficient evidence has been provided because -

1. Best practice requires the inclusion of a minimum of one bat and bird box per dwelling, or the equivalent thereof. The report does not meet this standard and should be revised to increase the number of bat and bird boxes included within the site post-development. The inclusion of 'hedgehog highways' through all fencing installed as part of the development is also required.
2. The application for the site does not include an assessment of net gain (or loss) of biodiversity. The most recent DEFRA Biodiversity Metric should be utilised to calculate loss/gain. Biodiversity net gain calculations for the site must be produced using a detailed landscaping plan and must show net gain. In light of the biodiversity crisis, DWT recommends all developments achieve a 20% net gain.

For the reasons given above, we object to the planning application and recommend that it is refused.

Yours sincerely,
Carly Ireland MSc. MCIEEM
Devon Wildlife Trust

NPPF para. 174

"Planning policies and decisions should contribute to and enhance the natural and local environment by:

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;"

NPPF para. 175

"When determining planning applications, local planning authorities should apply the following principles:

d) opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate."

National Planning Practice Guidance, under the section What is the baseline for assessing biodiversity net gain? states that - 'The existing biodiversity value of a development site will need to be assessed at the point that planning permission is applied for'. Under the section How can biodiversity net gain be achieved? it states that 'tools such as the Defra biodiversity metric can be used to assess whether a biodiversity net outcome is expected to be achieved'.

Environment Act 2021

The act will require biodiversity net gain to ensure developments deliver at least 10% increase in biodiversity.

Devon & Somerset Fire And Rescue Service

Dear Sir/Madam

Planning Application: 22/2795/MRES Re: 72 new houses and six B1 use class light industrial units Land north of Sidmouth Road (Ceramtec), Colyton.

Thank you for consulting Devon and Somerset Fire and Rescue Service regarding the above planning application. I have studied the drawings on the planning portal and it would appear (without prejudice) to satisfy the criteria we would require for B5 access under Building Regulations.

Early consideration should be given to the provision of fire hydrants for this development.

The Fire and Rescue Authority is a statutory consultee under the current Building Regulations and will make detailed comments at that time when consulted by building control (or approved inspector).

Yours faithfully

Andy Aggett
Fire Safety Inspector

Police Crime Prevention Officer

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

On the whole it appears that designing out crime principles have been embedded into the scheme.

One area where I feel the safety of residents could be improved is the rear parking court serving plots 49-56. Rear parking courts provide legitimate access to the rear boundaries of plots and often lack surveillance opportunities which can increase the potential for crime and anti-social behaviour (ASB) as well as the fear of crime and ASB. However, I appreciate that a mixture of parking solutions is needed for residential developments and this particular court does not serve a large number of plots. That said it appears to be unlit. Therefore, I recommend:

- Lighting meeting the same standards of the adopted roads should be installed to the rear parking court serving plots 49-56 in order to improve surveillance opportunities and reduce the fear of crime for legitimate users.
- Where ownership of parking spaces is not obvious, ensure they are clearly marked in order to reduce the potential for disputes.
- Gates providing access to rear gardens should be capable of being locked from both sides.

I appreciate your consideration of these issues.

Yours faithfully,
Kris Calderhead
Designing Out Crime Officer

DCC Historic Environment Officer
My ref: Arch/DM/ED/33372b

I refer to the above application and your recent consultation. The Historic Environment Team has no comments to make on this planning application.

Yours faithfully,

Stephen Reed
Senior Historic Environment Officer

Housing Strategy/Enabling Officer - Cassandra Harrison

The affordable housing allocation on this site (19.5%) is below EDDC planning policy of 25%. The units they are supplying are a good mix of tenures between rental and shared ownership but are we able to push them for a few more units?

EDDC Trees

An arboricultural method statement & tree protection plan (AMS & TPP) have been prepared by GE consulting, these pertain to condition 7 of the outline planning consent.

The TPP indicates that most of the trees on the site will be retained, only T2 and G3 are due to be removed. The TPP and AMS show how the retained trees will be protected during development.

However there are no details of drainage runs or level changes on the TPP, these details ought to be included on the TPP so that the potential impacts on trees of any drainage runs or level changes adjacent to or within the RPAs of retained trees can be assessed. The TPP should also indicate where the site compound, welfare and storage facilities are to be located.

While the level of tree retention on the site appears to be acceptable, subject to new replacement planting, in the absence of the above details, I do not support the application

Natural England 30/1/23

No objection

South West Water

Our ref: WR 3672487

Proposal: Reserved matters application (seeking approval of appearance, landscaping, layout and scale pursuant to outline permission 18/1850/MOUT) for the development of 72 new houses and six B1 use class light industrial units. The proposal includes the discharge of conditions 6, 7, 8, 9, 10, 11, 12, 14, 17, 18, 22, 23, 24 and 25 of the outline planning permission.

I refer to the above application and would advise that South West Water has no objection to discharge of conditions 6, 7, 8, 9, 10, 11, 12, 14, 17, 18, 22, 23 subject to the foul and surface water being managed in accordance with the submitted foul and surface water drainage strategy; I note that the latter however rests on riparian owner permission to discharge surface water in the Colyford Brook. Should this not be agreed, the drainage strategy would need to be re-visited.

With regards adoption of surface water elements, I would make further comment as follows:

The applicant should confirm that sufficient room will be made available in the planning layout for the following:

- o Vehicle access for maintenance purposes
- o South West Water does not adopt the pond itself, but rather the flow through the pond (which may be an actual or theoretical low flow channel); there would need to be a 3-metre easement from the centre-line of this flow route, and one around the base of the pond to enable access to maintain the public areas

With reference to Conditions 24 and 25, I would advise that South West Water has no objection in principle, however I would comment on clause 7.14 of the Construction & Environment Management Plan (CEMP) which states: "During the works, any contaminated drainage is to be captured and disposed of appropriately. This includes water pumped from excavations" - please note that this discharge should be tankered off site to a suitable facility for disposal, and not discharged into a public sewerage system which is intended for domestic flows only.

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.

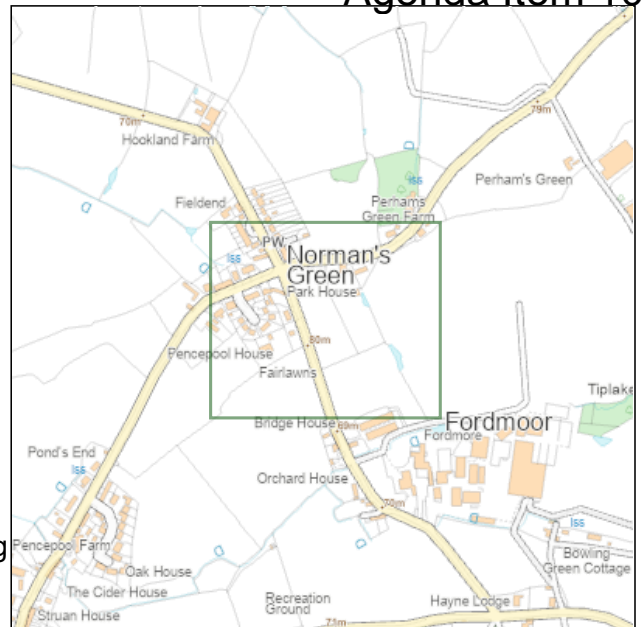
Ward Tale Vale

Reference 23/1978/FUL

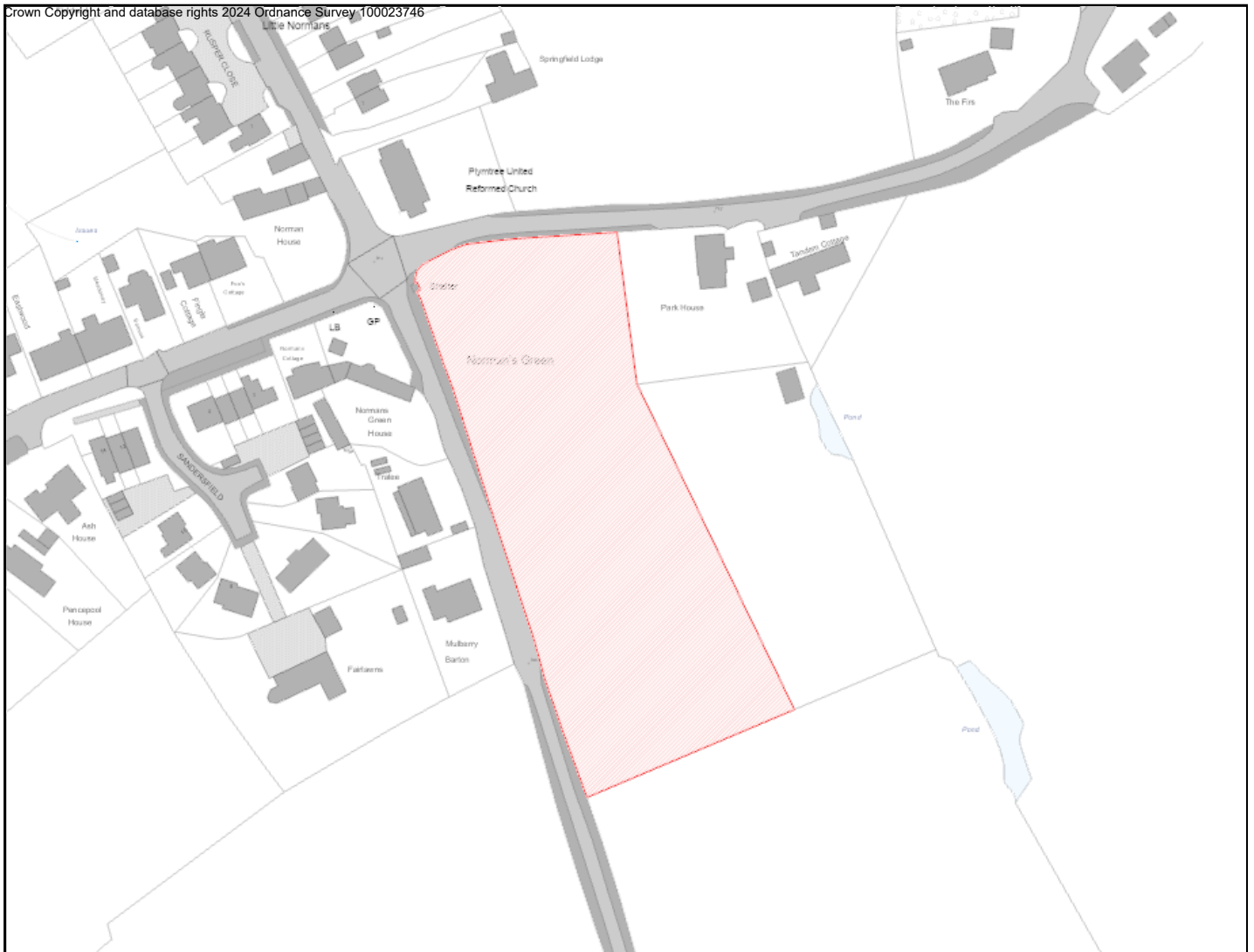
Applicant Mr & Mrs Dan and Claire McCandlish

Location Land Adjacent To Park House Plymtree

Proposal Proposed new dwelling and relocated site access with associated landscaping and parking



RECOMMENDATION: Refusal



		Committee Date: 30.01.2024
Tale Vale (Plymtree)	23/1978/FUL	Target Date: 13.11.2023
Applicant:	Mr & Mrs Dan and Claire McCandlish	
Location:	Land Adjacent To Park House Plymtree	
Proposal:	Proposed new dwelling and relocated site access with associated landscaping and parking	

RECOMMENDATION: REFUSAL

EXECUTIVE SUMMARY

This application is presented to Committee as the Officer recommendation is contrary to that of the Ward Member.

Planning permission is sought for the construction of a detached 5-bedroom dwelling and new vehicular access on an undeveloped site that is located within the open countryside within the settlement of Normans Green.

The proposal is contrary to Strategy 7- Development in the Countryside of the Local Plan and as there are no policies within the Local Plan which would support a proposal for the construction of a new dwelling in this countryside location and it isn't being put forward to meet an identified proven agricultural, forestry or horticultural need, the application has been advertised as a departure.

The Council can demonstrate a 4.5 year housing land supply, such that policies within the adopted Local Plan most important for determining the application remain up to date and the tilted balance in favour of sustainable development need not be applied.

Planning law states that Local Planning Authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

It is accepted that the proposed development would make a very modest contribution to the housing supply and would provide some limited benefits during construction to the local economic community whilst helping to support the services and facilities within the nearest settlement of Plymtree.

The principal issue is that this proposal would represent an unjustified

development in the countryside, in an unsustainable location remote from facilities and services and would result in future residents being over-reliant on the use of private motor vehicles for day to day living. There would be material environmental harm in relation to the suitability of the site's location which weighs against the proposal within the overall planning balance.

In the event that Members consider Plymtree to be sustainable (a position which is not reflected strategically within the Adopted East Devon Local Plan) this proposal would introduce a dwelling in a countryside location that is not closely related to the nearest settlement of Plymtree but is within a settlement to the north of the village. Whilst each application must be determined on its own merits, allowing a dwelling in this location would undermine the strategic approach that has been taken within the Local Plan which is not to permit residential development in this location to protect the countryside from sporadic development and due to the limited range of services and facilities on offer within the village and limited transport options to leave the village. Officers consider that this environmental harm weighs against the proposal within the overall planning balance.

Whilst the proposal would not result in any significant visual harm, harm to the setting of heritage assets, residential amenity, highway safety and would present some biodiversity net gain, it is not considered that there any material benefits which would overcome the identified conflict with Local Plan policies for development in the countryside and the environmental harm arising from the location of the site and the fact that future occupiers are likely to be over reliant on the use of the private vehicle to access services and facilities that are not provided within the nearest village of Plymtree.

The application is therefore recommended for refusal.

CONSULTATIONS

Local Consultations

Tale Vale - Cllr Richard Jefferies

I would like to comment on this application.

I write to support this application for further consideration as there has been engagement with the local community which has shown a level of support for this project.

I also note the parish is considering undertaking a Neighbourhood Plan which I hope they choose to pursue as it would provide an opportunity for community consultation and help inform future developments.

Councillor Richard Jefferies

Parish/Town Council

Plymtree Parish Council SUPPORTS this application for the following reasons:

1. Proposal in keeping with the 'structure' of the village - low housing density, using infill land, with carefully chose location so not visible from existing properties

2. Sustainable development plan
3. Proposal for an orchard that could benefit the village
4. This is a current village inhabitant building a house to support their living in the village in the longer term. They have sought the opinion of the community throughout and this has been very largely favourable.

Technical Consultations

EDDC Trees

No objection subject a pre-commencement condition for Tree Protection measures including site monitoring and supervision shall be carried out as detailed within the Arboricultural Report and Arboricultural Method Statement submitted by Advanced Arboriculture on the 25th July 2023.

Conservation

In considering the views of the listed Plymtree United Reformed Church, Norman Green House and the surrounding village on the approach from the south and south-east. This includes development abutting the road, however as a result of its low density and mainly vegetated verges, the village presents an evolved semi-rural character.

A character that is preserved through the proposed, orientation, location, scale and use of materials, of the newly proposed dwelling which includes the introduction of a new traditional orchard and areas of meadow grass and new ponds located towards the northern boundary of the site, opposite Plymtree United Reformed Church to the north and Normans Green House to the west, both Grade II heritage assets.

In this respect the orchard and areas of meadow grass, go towards preserving the existing views and experience of the setting to and from the assets, allowing for the comfortable introduction of a new dwelling within the village.

In summary, the proposed new dwelling and relocated site access with associated landscaping and parking would continue to preserve the contribution the site makes to the setting of the identified heritage assets, satisfying paras. 206 and 202 of the NPPF23 and Policy EN8 and EN9 of the New East Devon Local Plan (2013-2031)

Other Representations

7 letters of support have been received at the time of writing this report which can be summarised as:

- Appropriate design and sustainable design and construction
- Ecological improvements
- No impact on neighbours
- Will blend in with the village

PLANNING HISTORY

None

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 5B- Sustainable Transport
Strategy 7 (Development in the Countryside)

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

EN5 (Wildlife Habitats and Features)
EN9 (Development Affecting a Designated Heritage Asset)
TC2 (Accessibility of New Development)
TC7 (Adequacy of Road Network and Site Access)
TC9 (Parking Provision in New Development)

Government Planning Documents

National Planning Policy Framework
National Planning Practice Guidance

Site Location and Description:

The site lies to the northeast of a crossroads adjacent to the settlement of Normans Green. It comprises a 1ha rectangular field under pasture and bounded by native hedgerow with hedge banks to adjoining roadside boundaries to the west and north. The site slopes very gently from the northern boundary to an east-west running ridge which traverses the site approximately 60m north of the southern boundary. Access is from a roadside field gate mid-way along the western boundary. There are a couple of semi-mature trees within the field and a number of mature oak and ash trees to the western boundary. An historic grade II listed chapel is situated opposite the northern boundary. The settlement of Normans Green lies immediately to the north and west and is a mix of mostly 20th century detached houses with some older and more recent houses. Surrounding land-use is predominantly agricultural grazing with some arable.

The site lies within the open countryside and is not the subject of any national or local landscape designations.

Proposed Development:

Planning permission is sought for the construction of a detached, two storey dwelling on the site. The dwelling would have an 'L' shaped footprint and would be a mixture of single storey and two stories with a mixture of flat roof and pitched roof forms. It would be constructed from a variety of materials which include vertical timber cladding and facing brick walls under a grey profiled aluminium roof. The flat roofed

single storey element of the dwelling would have a sedum roof finish. The 5 bedroom dwelling would be arranged across two floors with 4 bedrooms, a kitchen, dining and living room on the ground floor and a master bedroom and work space on the first floor. A garage with games room over would be attached to living space via a single storey link.

The proposed dwelling would be positioned well back from the northern boundary of the plot leaving space on its northern side for traditional orchard and wild flower grassland planting.

The proposal includes the creation of a new vehicular entrance onto the 'C' class road (named as the road from Normans Green House to Hayne Cross) north of the existing farm gate entrance which would be closed up with native species hedging.

Issues and Assessment:

The main issues to consider in determining this application are in terms of the following:

- The Policy Position
- Five Year Housing Land Supply
- The principle of development
- Sustainability/ Accessibility
- Character and Appearance
- Heritage Impacts
- Residential Amenity
- Highway Safety
- Ecological Impact
- Habitat Regulations Assessment
- Arboricultural Impact
- Surface Water and Foul Drainage

ANALYSIS

The Policy Position:

The National Planning Policy Framework (NPPF) states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Council formally adopted the East Devon Local Plan 2013-2031 on 28th January 2016 and the policies contained within it are those against which applications are being determined. There is no Neighbourhood Plan applicable to Normans Green or Plymtree.

Five Year Housing Land Supply:

The National Planning Policy Framework, Dec 2023, states at paragraph 77 that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide either a minimum of five years' worth of housing, or a minimum of four years' worth of housing if the provisions in paragraph 226 apply.

Paragraph 226 states: "From the date of publication of this revision of the Framework, for decision-making purposes only, certain local planning authorities will only be required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of four years' worth of housing (with a buffer, if applicable, as set out in paragraph 77) against the housing requirement set out in adopted strategic policies, or against local housing need where the strategic policies are more than five years old, instead of a minimum of five years as set out in paragraph 77 of this Framework.

This policy applies to those authorities which have an emerging local plan that has either been submitted for examination or has reached Regulation 18 or Regulation 19 (Town and Country Planning (Local Planning) (England) Regulations 2012) stage, including both a policies map and proposed allocations towards meeting housing need.

The draft local plan consultation undertaken by East Devon District council in November 2022 to January 2023 was carried out under Regulation 18 and so the Local Plan is sufficiently progressed to benefit from this provision. On this basis, as the Council can demonstrate a 4.5 year housing land supply, policies within the adopted Local Plan most important for determining the application remain up to date and the titled balance in favour of sustainable development need not be applied.

Principle of Development:

In planning terms the site is in the countryside and outside of a built-up area boundary as defined by the East Devon Local Plan where development is only permitted under the provisions of Strategy 7- Development in the Countryside where it is in accordance with a specific Local or Neighbourhood Plan policy that explicitly permits such development and where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located, including:

1. Land form and patterns of settlement.
2. Important natural and manmade features which contribute to the local landscape character, including topography, traditional field boundaries, areas of importance for nature conservation and rural buildings.
3. The adverse disruption of a view from a public place which forms part of the distinctive character of the area or otherwise causes significant visual intrusions.

As there are no policies within the Local Plan which would support a proposal for the construction of a new dwelling in this countryside location and it isn't being put forward to meet an identified proven agricultural, forestry or horticultural need, the application has been advertised as a departure.

Planning law states that Local Planning Authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

Sustainability/ Accessibility:

Due to the lack of facilities within the village of Plymtree, the application site's distance from settlements with a full range of facilities and poor public transport options neither Normans Green or Plymtree are considered to be suitable locations for housing growth, and consequently they do not have a built-up area boundary (BUAB) within the adopted East Devon Local Plan. Neither settlement is listed in Strategy 27- Development at the Small Towns and Villages of the Local Plan, which sets out those settlements considered suitable to support housing growth.

Strategy 5B - Sustainable Transport of the Local Plan states that development proposals should contribute to the objectives of promoting and securing sustainable modes of travel and transport. Development will need to be of a form, incorporate proposals for and be at locations where it will encourage and allow for efficient, safe and accessible means of transport with overall low impact on the environment, including walking and cycling, low and ultra-low emission vehicles, car sharing and public transport.

This is echoed in policy TC2 Accessibility of New Development of the Local Plan which states that new development should be located so as to be accessible by pedestrians, cyclists and public transport and also well related to compatible land uses so as to minimise the need to travel by car.

The site lies within Normans Green, a small settlement located within the open countryside around 900m to the northeast of the village of Plymtree. With the exception of the church adjacent to the site, there are no other services or facilities in the settlement. Plymtree has some additional facilities, including a church, primary school, community shop and public house and whilst it would be possible to walk or cycle to the village centre the distance and the nature of the roads, being narrow and lacking in footpaths or streetlighting is such that some people are likely to be deterred from making this journey without use of the private car.

Whilst there is a bus stop adjacent to the application site, it served by a very infrequent bus service which consists of a bus service running twice a week to Honiton operating on a Tuesday, Friday, and Saturday only at 09:30 with a return bus at 12:50 and a single bus service which runs to Exeter on a Wednesday. It is a 15-minute drive to the nearest train stations at Feniton or Whimple, which adds to further concerns that the site is unsustainably located in planning terms.

Future residents of the development would need to travel beyond the village to access essential facilities such as a doctors' surgery, a wider range of shops and employment opportunities, and given the infrequency of transport services it would not be possible to access these without a private vehicle.

It should be noted that there has been an appeal decision (ref APP/U1105/W/18/3194093) for a new dwelling in the centre of the village Plymtree and a subsequent planning permission granted by the Council (ref 19/0394/FUL) for a detached dwelling on the basis that the Inspector did conclude that Plymtree was sustainable. Whilst the appeal was dismissed on the grounds of harm to residential amenity, in the assessment of sustainability of the village, the Inspector concluded that the site was within the centre of the village and in close proximity to a reasonable range of everyday services and facilities without the need to travel by car. This view was reached by the Inspector despite the fact that Plymtree has not been identified as a sustainable settlement for new residential development within Strategy 27 of the Local Plan largely on account of its poor public transport links and the need for residents to leave the village to access wider everyday services such as supermarkets, health care and employment.

In the event that Members consider Plymtree to be sustainable (a position which is not reflected strategically within the Adopted East Devon Local Plan) it is important to note that this proposal would introduce a dwelling in a countryside location that is not closely related to the nearest settlement of Plymtree but is within a divorced settlement to the north of the village. Whilst each application must be determined on its own merits, allowing a dwelling in this location would undermine the strategic approach that has been taken within the Local Plan which is not to permit residential development in this location to protect the countryside from sporadic development and due to the limited range of services and facilities on offer within the village itself and the limited transport options to leave the village.

The proposal would conflict with Policies TC2 and Strategy 5B of the East Devon Local Plan which seek to ensure that new development does not add to the need to travel by car, and that such developments encourage the use of sustainable modes of transport. The proposal also conflicts with the relevant aspects of the National Planning Policy Framework, including the requirement for patterns of growth to be actively managed by limiting the need to travel and offering a choice of transport modes.

The lack of everyday services within the nearest village, distance from the village coupled with the limited transport options to leave the village weighs against the proposal within the overall planning balance.

Character and Appearance:

Strategy 7- Development in the Countryside of the Local Plan states that development will only be permitted where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located.

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

The site lies within Landscape character Type 3B as defined in the East Devon and Blackdown Hills Landscape Character Assessment 2019 and reflects and

contributes to the identified key characteristics. Historic mapping indicates extensive areas of orchard within the vicinity but few of these survive.

The site is not in a designated landscape and there are no priority habitats or other nature conservation designations within the vicinity. The site does however lie outside of any built up area boundary and is therefore in open countryside where under Strategy 7 of the Local Plan, development in the countryside is restricted.

The site is currently undeveloped and therefore introducing a residential dwelling would result in a degree of impact through its urbanisation and built form. Whilst this would be the case, it is accepted that the site is only open to views from localised viewpoints around the site and that there would be no wider landscape harm from the proposal.

The development has been carefully considered in respect of the siting of the dwelling and the application is supported by a detailed landscape and visual impact assessment which successfully demonstrates that the visual impact of the development would be very limited and read within the context of surrounding residential development and built form of the settlement of Normans Green. The LVIA explains the design approach and the rationale behind siting the dwelling in the middle quadrant of the site and it is accepted that together with the creation of the orchard in the northern third of the site that a good level of screening would be provided which would soften the impact of the development.

The design and scale of the dwelling is considered to be appropriate for the rural character of the site and the surrounding area and would be in keeping with the urban grain and pattern of development found within this part of the settlement. The proposed dwelling would effectively be read as a form of infill development between residential properties and whilst it would urbanise an undeveloped site, the development would not extend the built form of the settlement significantly into the rural landscape such that on balance, it isn't considered that the visual harm would be to an extent that would justify refusal.

Heritage Impacts:

The statutory duty contained in section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker to have special regard to the desirability of preserving listed buildings or their setting, or any features of special architectural or historic interest which they possess. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Paragraphs 205-208 of the National Planning Policy Framework deal with the assessment of harm to designated heritage assets and which advises that great weight should be given to an asset's conservation and this should be proportionate

to the importance of the asset. This approach is echoed in policy EN9- Development Affecting a Designated Heritage Asset of the Local Plan.

The site is located in close proximity and within the setting of Plymtree United Reformed Church and Normans Green House both Grade II heritage assets.

The Council's Conservation Officer has considered the application and has advised that in considering the views of the Plymtree United Reformed Church, Norman Green House and the surrounding village on the approach from the south and south-east this includes development abutting the road, however as a result of its low density and mainly vegetated verges, the village presents an evolved semi-rural character.

The Conservation Officer is of the opinion that this character would be preserved through the proposed, orientation, location, scale and use of materials, of the newly proposed dwelling which includes the introduction of a new traditional orchard and areas of meadow grass and new ponds located towards the northern boundary of the site, opposite Plymtree United Reformed Church to the north and Normans Green House to the west, both Grade II heritage assets.

In this respect the orchard and areas of meadow grass, would go towards preserving the existing views and experience of the setting to and from the assets, allowing for the comfortable introduction of a new dwelling within the village.

In summary, the proposed new dwelling and relocated site access with associated landscaping and parking would continue to preserve the contribution the site makes to the setting of the identified heritage assets and would result in no harm to their setting or significance satisfying paragraphs 208 and 212 of the NPPF and policy EN9 of the Local Plan.

Residential Amenity:

Policy D1- Design and Local Distinctiveness of the Local Plan requires that proposals do not adversely affect the amenity of occupiers of adjoining residential properties.

Whilst the introduction of a dwelling into the site which is currently undeveloped would result in a degree of impact on the amenities of the occupiers of surrounding properties, the site is considered to be of a sufficient size to accommodate the proposed dwelling without resulting in any significant harm or physical impact.

The proposed dwelling would be sited away from the boundaries of the site such that it is not considered that the proposed dwelling would result in any significant harm to the amenities of Park House to the east or Tralee or Mulberry Barton to the west separated by the highway.

The proposal is considered to be acceptable in terms of its relationship with an impact upon neighbouring properties.

Highway Safety:

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

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

The proposal includes the creation of a new vehicular access north of the existing agricultural access onto the 'C' class road which runs adjacent to the western boundary of the site.

Whilst the introduction of a new dwelling on the site and a residential use is likely to increase the number of traffic movements to and from the site, as a single dwelling with access onto a lightly trafficked rural road, it isn't considered that it would result in any highway safety concerns. The proposal would make provision for a suitable access with parking and turning space to allow vehicles to exit the site in a forward gear.

The proposal would comply with the provisions of policies TC7 and TC9 of the Local Plan.

Ecological Impact:

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

The application is accompanied by a Preliminary Ecological Appraisal which identifies that the site comprises an improved grassland field with areas of newly planted broadleaved woodland and individual scattered trees. The field has three hedgerow boundaries, with the fourth boundary comprising a fence belonging to a neighbouring residence.

The proposed development will result in the loss of the improved grassland and scattered trees. These habitats are considered common and widespread and of generally low ecological value. As such the proposed development not considered as having any significant ecological impacts.

The report identifies that small areas of the broadleaved woodland plantings will also be lost as part of the development. However, the majority will be retained and, where possible, it is proposed that many of the saplings can be incorporated into a hedgerow along the fourth boundary. As such no overall loss of saplings is predicted.

The scattered trees and hedgerows on site have potential to support nesting birds. The development is likely to require the clearance of the trees and construction works close to retained hedgerows. As such recommendations are included within the report to minimise the risk to nesting birds.

The site boundaries were assessed as having moderate potential to support foraging and commuting bats. The proposed development will not significantly impact on these features but is likely to include additional artificial lighting. Recommendations are included as a precautionary approach to minimise any potential disturbance to bats.

The application is also accompanied by a Biodiversity Net Gain report which sets out how the proposed development has been designed to secure gains for biodiversity net gain at the site.

The report concludes that the development is predicted to result in a net gain in biodiversity at the site. Post development, the creation of two wildlife-friendly ponds, an area of wildflower meadow and traditional orchard, planting of eight moderate-sized trees, installation of a biodiverse green roof and laying of vegetated garden will result in biodiversity net gain at the site and this is supported by the Council's ecologist who has advised that the recommendations are generally proportional to the predicted impact. Had the principle of development been acceptable a condition requiring the submission of a Landscape Ecological Management Plan could have been imposed to ensure that the ecological and BNG benefits of the scheme are secured.

Habitat Regulations Assessment:

The application site is located outside of the 10 km zone of the Exe Estuary and the Pebblebed Heaths and therefore does not attract a requirement for a habitat mitigation contribution on the basis that the development would not result in any direct impacts on the European Protected Site of the Exe Estuary and the East Devon Pebble bed Heaths Special Protection Areas (SPA's). No mitigation is required.

Arboricultural Impact:

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

5837:2012 (or the current revision) will be taken fully into account in addressing development proposals.

The Council's Tree Officer has considered the application and is satisfied that the proposed development which would retain the trees on the site, would not result in any significant harm to the health and well-being of trees on the site which positively contribute to its rural character. Subject to a condition which requires the submission of tree protection measures and an arboricultural method statement prior to commencement of development, it is not considered that the proposal would result in any arboricultural harm to sustain an objection. The proposal would comply with the provisions of policy D3 of the Local Plan.

Surface Water and Foul Drainage:

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

1. The surface water run-off implications of the proposal have been fully considered and found to be acceptable, including implications for coastal erosion.
2. Appropriate remedial measures are included as an integral part of the development, and there are clear arrangements in place for ongoing maintenance over the lifetime of the development.
3. Where remedial measures are required away from the application site, the developer is in a position to secure the implementation of such measures.
4. A Drainage Impact Assessment will be required for all new development with potentially significant surface run off implications.

The application site is located within an area designated as flood zone 1 (low probability of flooding). Whilst no detailed surface water or foul drainage scheme has been provided within the application, it has been suggested that the development would utilise rainwater harvesting with any overflow being disposed of via soakaways and ponds. There is no reason in principle why surface water from the development could not be appropriately managed and had the development been acceptable in principle, a condition would be sufficient to require the submission of an appropriate surface water and foul drainage management scheme.

Planning Balance and Conclusions:

The proposal is contrary to Strategy 7- Development in the Countryside of the Local Plan and as there are no policies within the Local Plan which would support a proposal for the construction of a new dwelling in this countryside location and it isn't being put forward to meet an identified proven agricultural, forestry or horticultural need, the application has been advertised as a departure.

The Council can demonstrate a 4.5 year housing land supply, such that policies within the adopted Local Plan most important for determining the application remain up to date and the tilted balance in favour of sustainable development need not be applied.

It is accepted that the proposed development would make a very modest contribution to the housing supply and would provide some limited benefits during construction to

the local economic community whilst helping to support the services and facilities within the nearest settlement of Plymtree.

Whilst there are some merits to the proposal, the principal issue is that the development would be in the countryside, in an unsustainable location remote from facilities and services and would result in future residents being over-reliant on the use of private motor vehicles for day to day living. There would be material environmental harm in relation to the suitability of the site's location which weighs against the proposal within the overall planning balance.

In the event that Members consider Plymtree to be sustainable (a position which is not reflected strategically within the Adopted East Devon Local Plan) this proposal would introduce a dwelling in a countryside location that is not closely related to the nearest settlement of Plymtree but is within a settlement to the north of the village. Whilst each application must be determined on its own merits, allowing a dwelling in this location would undermine the strategic approach that has been taken within the Local Plan which is not to permit residential development in this location to protect the countryside from sporadic new development and due to the limited range of services and facilities on offer within the village itself and the limited transport options to leave the village. Officers consider that this environmental harm weighs against the proposal within the overall planning balance and is harm that would significantly and demonstrably outweigh the limited benefits that would be derived from this proposal.

Whilst the proposal would not result in any significant visual harm, harm to the setting of heritage assets, residential amenity, highway safety and would present some biodiversity net gain, it is not considered that there any material benefits which would justify a departure from the countryside protection policies of the Local Plan, particularly when the Council can demonstrate a 4.5 year housing land supply and which do not overcome the identified environmental harm arising from the location of the site and the fact that future occupiers are likely to be over reliant on the use of the private vehicle to access services and facilities that are not provided within the nearest village of Plymtree. The application is therefore recommended for refusal.

RECOMMENDATION

REFUSE for the following reason:

1. The site is within the open countryside where residential development is restricted. The absence of convenient pedestrian footways, lighting and the distance between the site and the limited local services and facilities within Plymtree together with infrequent public transport services would lead residents to rely on travel by private motor vehicles. The site does not therefore occupy a sustainable location for residential development. As such, the proposal would be contrary to the provisions of Strategy 5B (Sustainable Transport), Strategy 7 (Development in the Countryside) and Policy TC2 (Accessibility of New Development) of the adopted East Devon Local Plan 2013-2031, and the guidance set out in the National Planning Policy Framework which concerns actively managing patterns of growth in support of, the promotion of

opportunities for walking, cycling and public transport in conflict with the environmental dimension of sustainable development.

NOTE FOR APPLICANT

Informative:

In accordance with the aims of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 East Devon District Council seeks to work positively with applicants to try and ensure that all relevant planning concerns have been appropriately resolved; however, in this case the development is considered to be fundamentally unacceptable such that the Council's concerns could not be overcome through negotiation.

Plans relating to this application:

846-06 Rev A	Other Plans	15.09.23
8466-10 Rev C	Other Plans	15.09.23
8466-02 Rev C	Proposed Site Plan	15.09.23
8466-03 Rev B	Sections	15.09.23
8466-05 Rev A	Proposed Elevation	15.09.23
8466-LPA	Location Plan	15.09.23
866/01 Rev A	Landscaping	15.09.23
866/02 Rev A	Landscaping	15.09.23
	Ecological Assessment	15.09.23
	Flood Risk Assessment	15.09.23
Viewpoints figure set	Landscaping	15.09.23
	Transport Statement	15.09.23
	Tree Survey	15.09.23
	Landscape Visual Impact Appraisal	15.09.23

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.

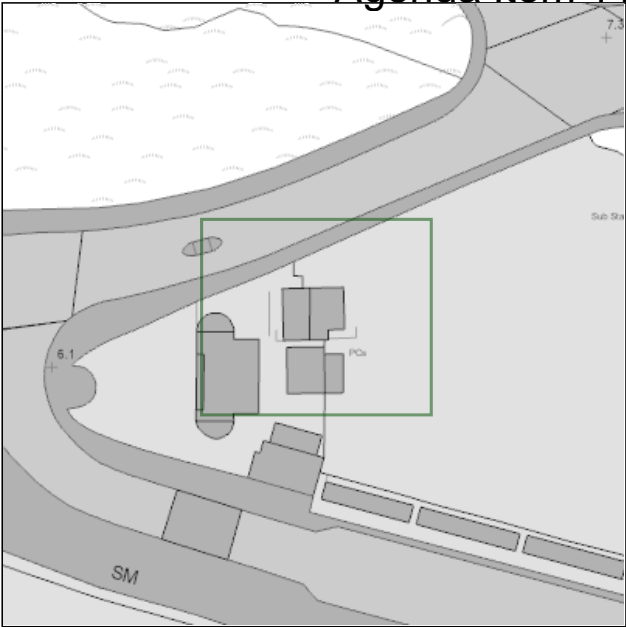
Ward Exmouth Littleham

Reference 23/2624/FUL

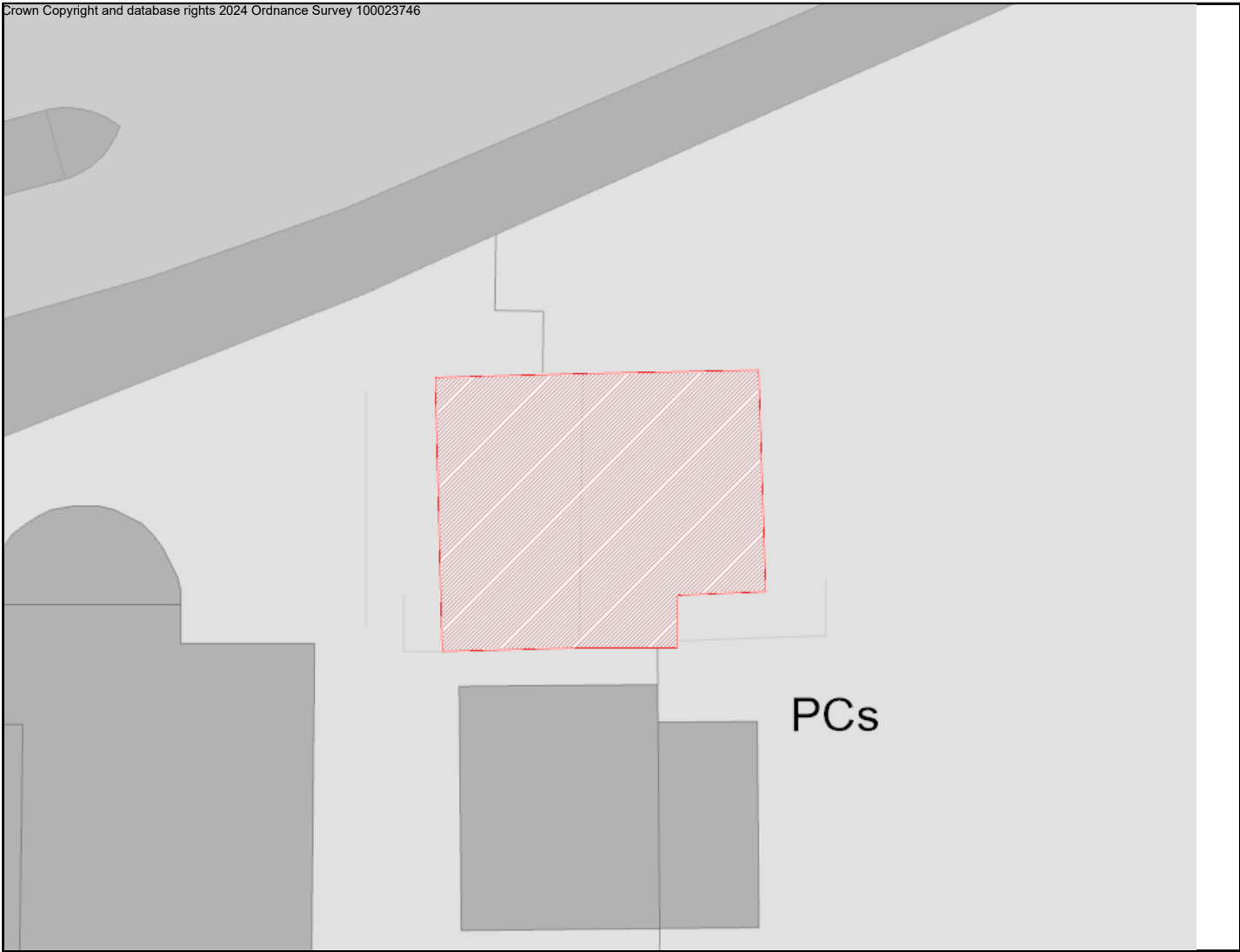
Applicant Mr Jorge Pineda-Langford (eddc)

Location Toilets Foxholes Car Park Queens Drive
Exmouth Devon EX8 2AY

Proposal Demolish existing public toilets and replace with
a new public toilet building.



RECOMMENDATION: Approval with conditions



		Committee Date: 30.01.2024
Exmouth Littleham (Exmouth)	23/2624/FUL	Target Date: 30.01.2024
Applicant:	Mr Jorge Pineda-Langford on behalf of EDDC	
Location:	Toilets Foxholes Car Park	
Proposal:	Demolish existing public toilets and replace with a new public toilet building.	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

The application is brought before the Planning Committee owing to the scheme being submitted by EDDC to which objections have been received.

The existing site is occupied by a toilet block within a mixed setting close to Exmouth seafront. There are no relevant heritage or other design related considerations.

The proposed development would see the demolition of the existing building and its replacement with a more modern building. The scheme would also include new external showers, a bike rack and public realm improvements.

The objections received primarily related to the design of the proposal, the need to demolish the existing building and the potential use of the site. While these concerns are noted, it is not considered that these would represent grounds for refusal of this application.

When the application was considered against the local policies, it was identified that it complied in multiple regards and approval is recommended subject to conditions.

CONSULTATIONS

Local Consultations

Parish/Town Council

Objection: the application is contrary to Exmouth Neighbourhood Plan EB2 in so far as the design does not respect the heritage of Exmouth as a beach resort;

specifically the proposed brightly coloured doors and loss of a pitched roof is out of keeping with the neighbouring RNLI building and Fortes cafe. Councillors also expressed concerns about the carbon emissions associated with the demolition of the existing building which is contrary to the policy intentions of the emerging local plan and expressed a preference for the existing building to be retained and adapted / extended.

Technical Consultations

DCC Flood Risk SuDS Consultation

Comments received from this consultee requesting clarification as to whether SWW have been consulted and whether SUDs planters can be incorporated.

EDDC District Ecologist

No objection subject to the addition of a condition requiring that works are proceeded in accordance with the submitted Ecological Impact Assessment report.

Environmental Health

No objection.

Other Representations

Two Letters of Objection were received which are summarised as follows:

- The proposal misses an opportunity to increase its capacity and provide specialised facilities for the camper van community.
- Concern about why the present building needs to be demolished rather than extended or refurbished.
- The public realm improvements are for a car park and not any existing tourist attraction.
- The toilet facilities budget would be better spent on other projects.
- There is limited capacity available to meet demand for these facilities.
- The scheme seems to lack joined up thinking and would be a poor use of public funds.
- Query about how these toilets can be kept clean given the present state of the current facilities.
- Request that the demolition and reconstruction works should take place outside of the summer season to avoid disruption.

[Officer Comment: These points will be addressed in the following analysis.]

PLANNING HISTORY

Reference	Description	Decision	Date
82/P1050	Erection Of Single Storey Public Conveniences.	Permission Granted	21/09/1982

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 3 (Sustainable Development)

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 22 (Development at Exmouth)

Strategy 38 (Sustainable Design and Construction)

Strategy 46 (Landscape Conservation and Enhancements and AONB)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

EN14 (Control of Pollution)

EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment Systems)

RC6 (Local Community Facilities)

TC7 (Adequacy of Road Network and Site Access)

Exmouth Neighbourhood Plan

Policy EB2

Action CFA8

Government Planning Documents

NPPF (National Planning Policy Framework 2023)

National Planning Practice Guidance

Site Location and Description

The application site involves an existing toilet block that forms part of the Foxholes Car Park. This building is single storey in height and forms part of a cluster of buildings facing Queens Drive in proximity to the Exmouth seafront.

In terms of policy designations, this site falls within the Exmouth Built Up Area Boundary (BUAB). Additionally, this site is outside of a flood risk zone and falls just within an AONB.

ANALYSIS

Proposed Development

Planning permission is sought for the demolition and erection of a replacement public toilet block along the seafront in Exmouth. The proposed new block would have a staggered rectangular footprint measuring at its largest some 4.95m by 11.4m. The roof of this building would be flat with a maximum height of some 3.1m. Externally, the proposed building would be finished primarily in hardieplank cladding of an unspecified colour with a grey metal parapet for its roof and its metal doors finished in beach hut colours. Solar panels would be incorporated within the roof of this building.

This proposed building would be similarly positioned to the existing toilet block but would be erected closer to the Foxholes car park and rotated to align to its parking space's layout. As part of the space made available by this repositioning and to supplement its facilities, external showers and a bicycle rack are to be located near to this building. In the area to the west of this building, public plantings and seating is proposed to enhance to public realm of this setting.

In terms of facilities, this toilet block would consist of 6 unisex toilets and two wheelchair accessible W/C's. At the end of the building, a larger changing space incorporating a toilet is proposed to provide more specialised facilities. Each of these individual toilets is accessible via external doors that are indicated to be openable via contactless payment points. When compared to the existing provision, the present block was subdivided into gendered areas containing 3 male WCs, 4 female WCs, 3 male urinals and 1 accessible WC.

This application is an internal scheme submitted by EDDC and is understood to be part of the Public Toilet Investment Programme that seeks to renew facilities of this sort throughout the district. As part of this, it is noted that at least four other planning applications for similar schemes under application references 23/2536/FUL (Honiton), 23/2537/FUL (Sidmouth), 23/2561/FUL (Seaton) and 23/2626/FUL (Budleigh Salterton). However, in line with planning legalisation, each scheme is being considered and determined independently. This application has been brought before planning committee in line with the LPA's scheme of delegation as objections have been received to a scheme submitted by EDDC.

Principle of Development

Strategy 6 of the East Devon Local Plan states that Built-up Area Boundaries, as defined on the Proposals Map, are considered appropriate through strategic policy to accommodate growth and development. This position is mirrored by Strategy 22 relating to Exmouth as well as the adopted Exmouth Neighbourhood Plan.

In the East Devon Local Plan, no specific policy relates to the provision of public toilets or amenities of this sort. However Policy RC6 (Community Facilities) states that proposals for new facilities, extensions and/or alterations to existing facilities to serve the local community will be permitted on sites within or adjoining Built-up Area Boundaries provided they meet the following criteria in full:

1. The proposal would be compatible with the character of the site and its surroundings and in villages with the rural character of the settlement.
2. The proposal will be well related to the built form of the settlement and close to existing development.
3. The site is accessible by a variety of types of transport, including walking and cycling and the amount of traffic generated by the proposal could be accommodated on the local highway network without harming road safety.
4. The proposal would not be detrimental to the amenity of neighbouring residents by reason of undue noise or traffic.

This policy also outlines that Planning Permission will not be granted for developments that would result in the loss or closure of a community facility unless the community facility is no longer needed or is not viable or an alternative facility of equal or higher value is being provided.

While not a policy in itself, Action CFA8 of the Exmouth Neighbourhood Plan states this document supports the identification and development of sites in Exmouth for the provision of public toilets.

The proposed scheme would provide a replacement toilet block following the demolition of the existing facilities. This is located within an BUAB where development is generally considered acceptable in principle.

In terms of the provision made by these new facilities, the new layout would change the way this public amenity would function while also creating new more accessible options. This scheme would also maintain the existing provision and use of the site such that this amenity is not lost. Moreover, the scheme would also include a new bike rack, external showers and public realm works that would provide broader improvements and services to this area that are for the benefit of the community. While it is noted that objections have been received stating that additional facilities should be provided, with the existing level of provision maintained this is not considered to represent a reason for refusal in itself.

The proposal is therefore considered acceptable in principle subject to the following analysis.

Character and Appearance

Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan, requires that proposals will only be permitted where they:

1. *Respect the key characteristics and special qualities of the area in which the development is proposed.*
2. *Ensure that the scale, massing, density, height, fenestration and materials of buildings relate well to their context.*

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

These policies are consistent with the National Planning Policy Framework (NPPF) stating in paragraph 130 that planning decisions should ensure that developments should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Paragraph 134 also makes clear that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

The site under consideration is presently occupied by the existing toilet block, a detached brick-built single storey building with a pitched roof that is considered to demonstrate limited architectural merit. Within its immediate setting, this building forms part of several similarly single storey detached buildings characterised by primarily pitched roof forms and differing material finishes. To its east is Foxholes car park, an open space often filled by vehicles of varying sizes and positions. The existing toilet block is the tallest and most prominent of these buildings making it appear particularly visible within its surroundings, including from the roads to its north and east.

The proposed works would see the demolition of this existing block and its replacement with a flat roofed building finished in more contemporary materials. Owing to this reduced height, this would reduce the prominence of this building from its surroundings. With the variety of roof forms and materials found nearby and no heritage designation of its surroundings, this change of form is not considered to materially harm the wider streetscene. Furthermore, the introduction of a flat roof would mirror the functional use of this building, demarking this within the surrounding views. The associated improvements to the public realm are also considered to enhance this setting, adding interest to both pedestrians and vehicle users alike.

The proposal is therefore considered to have an acceptable impact on the character and appearance of the existing site, its setting and the wider streetscene.

Impact on Neighbouring Amenity

Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan, requires that proposals do not adversely affect the amenity of occupiers of adjoining residential properties.

The application site is located away from any nearby residential dwellings in an area frequented by visitors to Exmouth Seafront. With the proposed development matching the existing use and location, it is not considered that the scheme would result in greater amenity impacts than what is presently found.

The proposal is therefore acceptable and policy compliant in the above regards.

Highway Impacts

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

The proposed development would not impact the parking provision or access of the existing Foxholes in any regards. More broadly, the provision of a bicycle rack would benefit the surrounding area by providing secure bike storage for cyclists.

The proposal is therefore considered to be acceptable in highways regards.

Drainage and Flood Risk

The application site sits inside Flood Zone 1, the lowest designation of flood risk, so it is not considered that there would be any impacts in these regards.

Included in the submitted scheme was a drainage strategy outlining how foul and storm water would be drained from this site. This indicated that the existing drains of the present toilet block would be reused for a similar purpose with any redundant drainage removed.

With reference to the comments made by the DCC flood risk and SUDs consultee, owing to the building footprint not being increased and a similar usage retained, it is considered reasonable to assume that the existing SWW connection can be used. In addition, with the planters and soft planters positioned away from the building and to ensure clear access to its doors, this is not considered practical.

Drainage related matters are therefore considered to be acceptable.

Ecology

In their consultation response, no objection was raised to the proposal subject to the imposition of a condition to ensure no adverse impacts on bats. This is considered proportionate and will be included in the officer's recommendation.

Environmental Health

No objection was raised by environmental health nor were any conditions recommended to control the timing or management of construction works.

Representations Received

As referenced in the Parish Council and public responses objections, a number of concerns were raised about the proposed development. These however, were not considered to represent material grounds for refusal.

Conclusion

Although the objections to the scheme have been acknowledged, it is considered that the compliance of the proposal with the relevant national and local policies would weigh in favour of the development. The proposal is therefore considered to be acceptable and the scheme is represented for approval.

RECOMMENDATION

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.

(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.

(Reason - For the avoidance of doubt.)

3. Works shall proceed strictly in accordance with the Ecological Impact Assessment report (GE Consulting, December 2023), in particular the ecological mitigation measures detailed in Section 5, including supervised demolition by a licenced bat ecologist. A written record shall be submitted to the local planning authority within 2weeks following the works to ensure compliance with the recommendations prior to first use.

(Reason - To ensure that the development has no adverse effect on protected species in accordance with Policy EN5 (Wildlife Habitats and Features) and EN14 (Control of Pollution) of the Adopted East Devon Local Plan 2013-2031.)

4. No development above foundation level shall take place until details 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. This should include the colour and finish of the hardieplank cladding and the doors. 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.)

NOTE FOR APPLICANT

Informative:

In accordance with the aims of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 East Devon District Council works proactively with applicants to resolve all relevant planning concerns; however, in this case the application was deemed acceptable as submitted.

Plans relating to this application:

	Location Plan	05.12.23
1001 REV P04	Proposed Combined Plans	05.12.23

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.

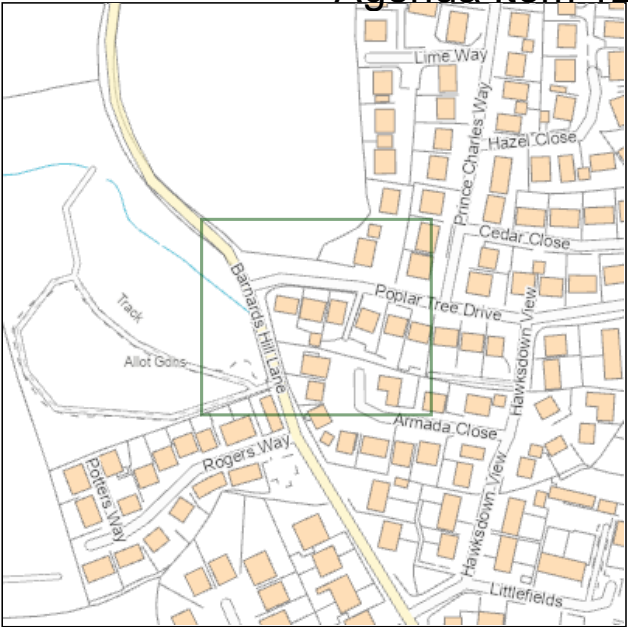
Ward Seaton

Reference 23/2575/FUL

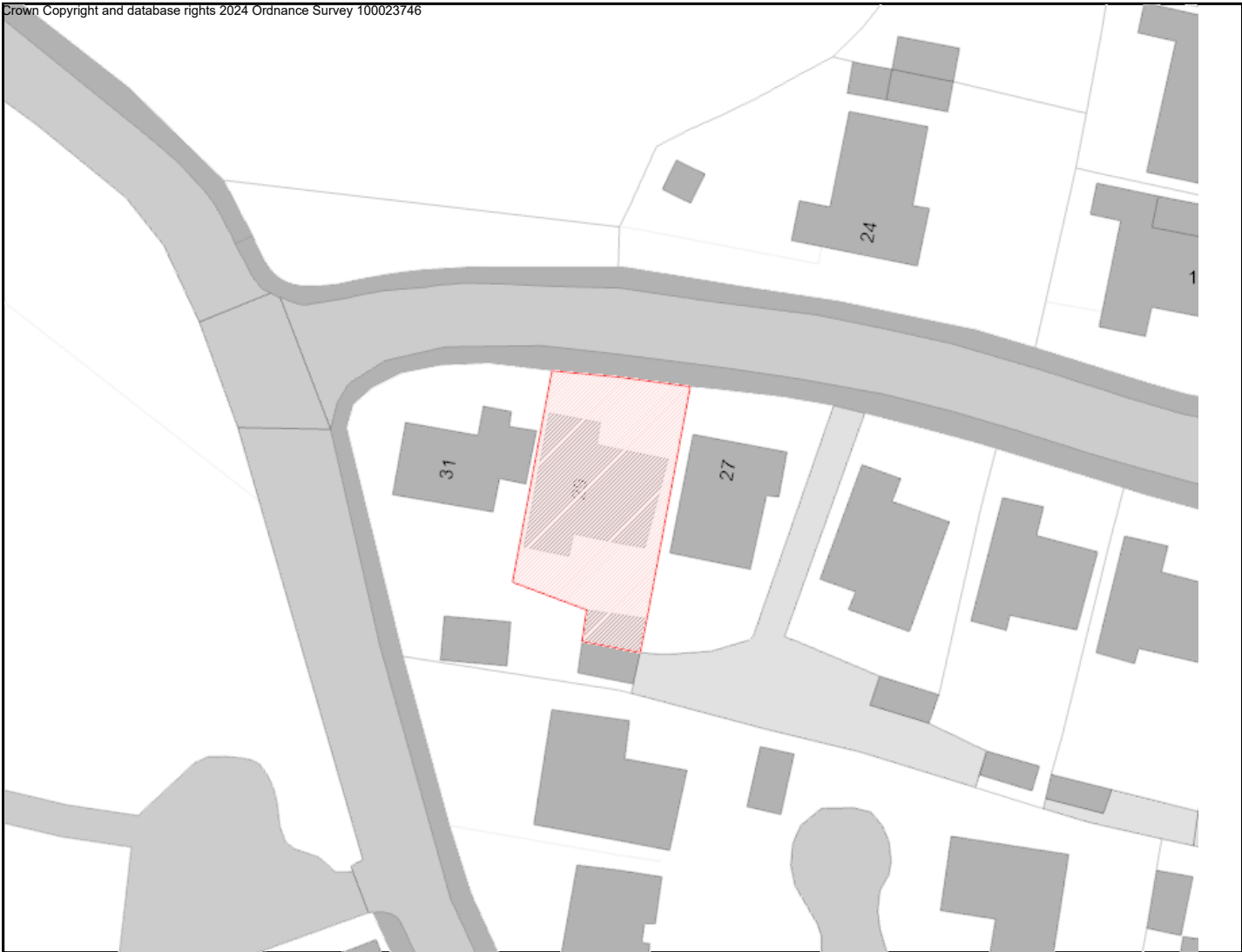
Applicant Mr Daniel Ledger & Ms Abigail Down

Location 29 Poplar Tree Drive Seaton EX12 2TW

Proposal Raising of roof and conversion of roof space to habitable space, including front and rear dormers and balcony



RECOMMENDATION: Approval with conditions



		Committee Date: 30.01.2024
Seaton	23/2575/FUL	Target Date: 25.01.2024
Applicant:	Mr Daniel Ledger & Ms Abigail Down	
Location:	29 Poplar Tree Drive, Seaton. EX12 2TW	
Proposal:	Raising of roof and conversion of roof space to habitable space, including front and rear dormers and balcony	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before Members as one of the applicants is an elected member of the District Council.

The application is received as a resubmission of a previously refused scheme (23/0890/FUL) with revisions taking the reasons for refusal into account.

It is considered that the proposal as amended has overcome the previous reason for refusal and would not have any detrimental impact upon the character of the surrounding area, nor would there be significant harm to the amenity of neighbours.

The application is considered to be acceptable and is therefore recommended for approval.

CONSULTATIONS

Parish Council

Seaton Town Council did not wish to comment on this application as one of the applicants is a Member of Seaton Town Council.

Ward Member

No comments received

Other Representation

No comments received

PLANNING HISTORY

23/0890/FUL - Raising of roof, conversion of roof space to habitable space including front and rear dormers and balcony. Refused at committee for the following reason:

The proposed rear full width flat roofed dormer, extending from eaves height almost to the new raised ridge height, and accentuated by the projecting balcony, full height fenestration, and conspicuous, awkwardly-positioned solar panel array, would be an over-large and incongruous addition to the host structure, which would not be compatible with the character of the site and its surroundings, and would not respect or relate well to the scale, massing and articulation of contextual built forms. The proposed development would therefore not accord with the objectives of Strategies 3 (Sustainable development), 6 (Development within built-up area boundaries) and 48 (Local distinctiveness in the built environment), nor with the criteria for granting permission set out in Policy D1 (Design and local distinctiveness) of the adopted East Devon Local Plan 2013 - 2031, nor with advice contained in the National Planning Policy Framework.

POLICIES

National Planning Policy Framework (Updated 19 December 2023)
National Planning Practice Guidance

Adopted East Devon Local Plan (2013 – 2031)

Strategy 3:	Sustainable Development
Strategy 5:	Environment
Strategy 6:	Development within Built-Up Area Boundaries
Strategy 38:	Sustainable Design and Construction
Strategy 47:	Nature Conservation and Geology
Strategy 48:	Local Distinctiveness In The Built Environment
Policy D1:	Design and Local Distinctiveness
Policy EN5:	Wildlife Habitats and Features
Policy EN22:	Surface Run Off Implications Of New Development
Policy TC9:	Parking Provision In New Development

CONSIDERATION:

The Proposal

This application proposes to raise the height of the roof, add a front gable extension, to add flat roof dormers at the front and rear and a rear balcony.

This newly submitted scheme the subject of this assessment differs from the previously refused scheme in that the rear dormer is now proposed to be set within the roof slope rather than to fully encompass the roof as before; the dormer is now set below the ridge, and set in from the eaves and sides, the solar panels previously included are now omitted, the balcony has been reduced in size and the window arrangements altered.

Description

29 Poplar Tree Drive is a detached early 1980's bungalow on the south side of this unclassified residential road, just to the east of its junction with Barnards Hill Lane,

and to the north of later 1980's single and two storey housing in Armada Close. The eastern neighbour to the site (no. 27) is a bungalow, and to the west is a chalet bungalow (no. 31), of steeper roof pitch and correspondingly higher ridge line, for which permission has been granted for ground floor and roof space extensions, to the front, the rear and the side closest to no. 29, together with the construction of a rear first floor balcony near to the eastern end of its altered rear elevation.

The application site slopes down to the south east, such that as with its neighbouring dwellings the ground floor level of the building is set below that of the footway and road, and of the dwelling and garden to its north and east, but is set above the level of residences to its south and east. Bungalow and chalet bungalow slab levels are staggered downhill all along the curving length of Poplar Tree Drive from its western beginning at Barnards Hill Lane to its eastern terminus with Harepath Road.

The rear of the building is prominently viewed in the street scene.

Principal of development

Strategy 6 of the East Devon Local Plan states that “within the boundaries development will be permitted if:

1. It would be compatible with the character of the site and its surroundings”

Policy D1 of the Local Plan expects applications to demonstrate that “new development, including the refurbishment of existing buildings to include renewable energy, is of a high quality design and locally distinctive”.

The Policy states (among other text)

“Proposals will only be permitted where they:

1. Respect the key characteristics and special qualities of the area in which the development is proposed.
2. Ensure that the scale, massing, density, height, fenestration and materials of buildings relate well to their context.
3. Do not adversely affect:
 - a) the distinctive historic or architectural character of the area.
 - b) the urban form, in terms of significant street patterns, groups of buildings and open spaces.
 - e) the amenity of occupiers of adjoining residential properties.
4. Have due regard for important aspects of detail and quality and should incorporate:
 - c) use of appropriate building materials and techniques respecting local tradition and vernacular styles, as well as, where possible, contributing to low embodied energy and CO2 reduction.”

The site lies within the Built-up Area boundary of Seaton, and is surrounded by residential development. There is no objection in principle to development of this single dwelling, as no additional units are proposed that would result in a change to the grain or density of the residential land use in this part of Seaton.

Design and Landscape Impact

Generally, the roof scape in the western part of Poplar Tree Drive close to the application site is characterised by simple roof planes, with either eaves or gable ends parallel to the road. There is little alteration to the roof planes fronting the road but there are some rear dormers visible, notably on the neighbouring plot.

The proposed front dormer whilst not typical within the street scene was deemed by Members to be acceptable and was not a reason for refusing the previous scheme. This element of the scheme remains unchanged.

In the refused scheme the rear of the roof was entirely encompassed by the proposed 'dormer' extension such that from the rear the building would appear as a flat roofed 2 storey dwelling, wholly out of character with the area.

The rear dormer in the current scheme has been reduced in size and is now proposed to be set back down from the ridge and in from the eaves and sides of the roof, the solar panels which were previously included have now been omitted, the balcony on the rear elevation reduced in size and the window arrangements altered.

The revised submission is considered to be an improvement on the previously submitted scheme with the form, scale and design more in keeping with the character of the area.

The design and impact on the character of the area is considered to accord with Policy D1 of the Local Plan.

Residential Amenity

It is considered in this instance, that the proposed design would not result in development which would be harmful to the amenity of the occupiers of the adjoining/nearby properties. The 2 x side facing rooflights allowing light to the en-suite bathroom are positioned high enough within the roof slope not to allow any harmful overlooking, and the balcony proposed can be conditioned to ensure the inclusion of sufficient side facing privacy screens.

As such, the proposed development accords with Policy D1 of the Local Plan.

Conclusion

It is considered in this instance, that the revised design is acceptable.

RECOMMENDATION

APPROVE with conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. Prior to its installation, details (and, where so requested, a sample) of the composite cladding to be used externally shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved details/sample.

(Reason - To ensure that the materials are sympathetic to the character and appearance of the area in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)

4. Prior to the first use of the first floor balcony hereby approved, the 1.8 metre high privacy screens on the East and West facing elevations as indicated on drawing 001 REV G, shall have been installed.

The screens shall be obscured glazed to Pilkington level 4 or equivalent unless an alternative material has previously been submitted to and agreed in writing by the Local Planning Authority

(Reason - In the interests of protecting the privacy and amenity of occupiers of the adjacent residential property in accordance with Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan 2013-2031.)

NOTE FOR APPLICANT

Informative:

In accordance with the aims of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 East Devon District Council works proactively with applicants to resolve all relevant planning concerns; however, in this case the application was deemed acceptable as submitted.

Plans relating to this application:

001 REV G

Statement on Human Rights and Equalities Issues

Human Rights Act

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

Equalities Act

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