

**Agenda for Planning Committee  
Tuesday, 18th June, 2024, 10.00 am**



**Members of Planning Committee**

Councillors B Bailey, I Barlow, C Brown, J Brown,  
A Bruce, S Chamberlain, M Chapman,  
O Davey (Chair), P Faithfull, S Gazzard,  
D Haggerty, A Hall, M Hall (Vice-Chair),  
M Howe, S Smith and E Wragg

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

DX 48808 Honiton

Tel: 01404 515616

**[www.eastdevon.gov.uk](http://www.eastdevon.gov.uk)**

**Venue:** Otter & Clyst Rooms, Blackdown House, Honiton

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

(or group number 01395 517546)

Issued: Friday, 7 June 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, 11 June 2024 up until 12 noon on Friday, 14 June 2024 by leaving a message on 01395 517525 or emailing [planningpublicspeaking@eastdevon.gov.uk](mailto: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](mailto: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 for the applications** (Pages 4 - 5)

2 **Minutes of the previous meeting** (Pages 6 - 15)

Minutes of the Planning Committee meetings held on 21 May and 24 May 2024.

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 16 - 32)

Update from the Development Manager

### **Applications for Determination**

8 **24/0263/MFUL (Major) SIDMOUTH TOWN** (Pages 33 - 119)

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

9 **23/1657/FUL (Minor) SIDMOUTH TOWN** (Pages 120 - 141)

Sidmouth Drill Hall, The Esplanade, Sidmouth, EX10 8BE.

10 **24/0823/FUL (Minor) SIDMOUTH TOWN** (Pages 142 - 154)

Sidmouth Lifeboat, The Lifeboat Station, The Esplanade, EX10 8BE.

**The applications below will not be considered before 2pm**

- 11 **24/0673/OUT (Minor) DUNKESWELL & OTTERHEAD** (Pages 155 - 168)  
Cory Hill, Combe Raleigh, EX14 4TQ.
- 12 **22/2723/FUL (Minor) FENITON** (Pages 169 - 204)  
Combe Garden Centre, Hayne Lane, Gittisham, EX14 3PD.
- 13 **23/2382/MFUL (Major) WEST HILL & AYLESBEARE** (Pages 205 - 214)  
Great Houndbeare Farm, Caravan 1 Sunnyfield, Aylesbeare, EX5 2DB.

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**

Agenda Item 1

**Planning Committee, Tuesday, 18 June 2024 – 10am**  
**Speakers' list for the planning applications**

<b>Agenda item 8</b> <b>Application number: 24/0263/MFUL (Major) Pages 33-119</b> <b>Ward: Sidmouth Town</b> <b>Address: Former Council Offices, Knowle, Sidmouth, EX10 8HL</b> <b>Ward Member: Councillor Sophie Richards</b> <b>Committee Ward Member: Councillor Ian Barlow</b>	
<b>Objector</b>	Barry Curwen Tel: 07713 637515
	Kelvin Dent Tel: 01395 514291
	Michael Temple Tel: 01395 577461
	Stephen Jones Tel: 07814 262838
	Philip Wragg on behalf of the Sid Vale Association
<b>Sidmouth Town Council</b>	Rachel Perram
<b>Agent</b>	David Williams
<b>Ward Member</b>	Councillor Sophie Richards

<b>Agenda item 9</b> <b>Application number: 23/1657/FUL (Minor) Pages 120-141</b> <b>Ward: Sidmouth Town</b> <b>Address: Sidmouth Drill Hall, The Esplanade, Sidmouth, EX10 8BE</b> <b>Ward Member: Councillor Sophie Richards</b> <b>Committee Ward Member: Councillor Ian Barlow</b>	
<b>Applicant</b>	Mitch Tonks
<b>Sidmouth Town Council</b>	Kelvin Dent Tel: 01395 514291
<b>Ward Member</b>	Councillor Sophie Richards

<b>Agenda item 10</b> <b>Application number: 24/0823/FUL (Minor) Pages 142-154</b> <b>Ward: Sidmouth Town</b> <b>Address: Sidmouth Lifeboat, The Lifeboat Station, The Esplanade, EX10 8BE.</b> <b>Ward Member: Councillor Sophie Richards</b> <b>Committee Ward Member: Councillor Ian Barlow</b>	
<b>Sidmouth Town Council</b>	Kelvin Dent Tel: 01395 514291

**THE APPLICATIONS BELOW WILL NOT BE CONSIDERED BEFORE 2PM**

**Agenda item 11**  
**Application number: 24/0673/OUT (Minor) Pages 155-168**  
**Ward: Dunkewell & Otterhead**  
**Address: Cory Hill, Combe Raleigh**  
**Ward Member: Councillor Yehudi Levine**  
**Committee Ward Member: Councillor Colin Brown**

<b>Supporter</b>	Serena Sexton
	Valerie Moran
<b>Agent</b>	Peter Thomas

**Agenda item 12**  
**Application number: 22/2723/FUL (Minor) Pages 169-204**  
**Ward: Feniton**  
**Address: Combe Garden Centre, Hayne Lane, Gittisham, EX14 3PD**  
**Committee Ward Member: Councillor Alasdair Bruce**

<b>Applicant</b>	Justin Lascelles Tel: 01404 45576
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**Agenda item 13**  
**Application number: 23/2382/FUL (Minor) Pages 205-214**  
**Ward: West Hill & Aylesbeare**  
**Address: Great Houndbeare Farm, Caravan 1 Sunnyfield, Aylesbeare, EX5 2DB**  
**Ward Member: Councillor Jess Bailey**

<b>Ward Member</b>	Councillor Jess Bailey
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**EAST DEVON DISTRICT COUNCIL****Minutes of the meeting of Planning Committee held at Council Chamber, Blackdown House, Honiton on 21 May 2024****Attendance list at end of document**

Due to technical issues the meeting which was due to commence at 10.00 am started at 11.30 am and ended at 6.15 pm. The meeting was adjourned for lunch at 2.00 pm and reconvened at 2.40 pm and a further brief adjournment took place from 4.10 pm until 4.20 pm.

**147 Minutes of the previous meeting**

The minutes of the Planning Committee held on 23 April 2024 were confirmed as a true record.

**148 Declarations of interest**

Minute 152. 22/1910/MFUL (Major) EXMOUTH LITTLEHAM.  
Councillors Olly Davey, Matt Hall and Brian Bailey Affects Non-registerable Interest, Exmouth Town Councillor.

Minute 152. 22/1910/MFUL (Major) EXMOUTH LITTLEHAM.  
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.

Non Committee Members

Minute 152. 22/1910/MFUL (Major) EXMOUTH LITTLEHAM.  
Councillor Nick Hookway, Affects Non-registerable Interest, Exmouth Town Councillor.

Minute 152. 22/1910/MFUL (Major) EXMOUTH LITTLEHAM.  
Councillor Daniel Wilson, Affects Non-registerable Interest, Exmouth Town Councillor.

Minute 158. 4. 23/0685/MOUT (Major) AXMINSTER  
Councillor Paul Hayward, Affects Non-registerable Interest, Employed as the Town Clerk by Axminster Town Council and a resident of Cloakham Lawns.

**149 Matters of urgency**

There were none.

**150 Confidential/exempt item(s)**

There were none.

**151 Planning appeal statistics**

The Committee noted the Development Manager's report which included an update to an appeal dismissed for planning application 23/0556/FUL – land north of Martin Gate, Sidmouth Road, Aylesbeare. The Development Manager drew Members attention to this appeal as it was relevant to item 11.

152 **22/1910/MFUL (Major) EXMOUTH LITTLEHAM**

**Applicant:**

Mr Azim Lalani.

**Location:**

Devoncourt Hotel, 16 Douglas Avenue, Exmouth, EX8 2EX.

**Proposal:**

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

**RESOLVED:**

Refused contrary to officer recommendation for the following reasons:

Having regard to the layout, siting, scale and massing of the proposed development it will have an unacceptable impact on the residential amenity of neighbouring properties due to noise and light spill from vehicles using the access drive adjacent the eastern site boundary; overlooking and loss of privacy, overshadowing causing loss of sunlight and due to its overbearing impact. As such the development is contrary to Policies D1 and EN14 of the East Devon Local Plan 2013 to 2031 and the provisions of the National Planning Policy Framework, 2023.

Having regard to the siting, scale, massing, design and site density of the proposed development it is out of keeping with the urban grain and character of the area and as such contrary to policy D1 of the East Devon Local Plan 2013 to 2031, policy EB2 of the Exmouth Neighbourhood Plan, 2018 to 2031 and the provisions of the National Planning Policy Framework, 2023.

153 **23/2506/MFUL (Major) CLYST VALLEY**

**Applicant:**

Mr Peter Quincey.

**Location:**

Winslade Park, Clyst St Mary.

**Proposal:**

Installation of solar array with associated infrastructure, access and landscaping.

**RESOLVED:**

Deferred – to be considered at an additional meeting on Friday, 24 May 2024.

154 **23/2537/FUL (Minor) SIDMOUTH TOWN**

**Applicant:**

Mr Jorge Pineda-Langford (EDDC).

**Location:**

Sidmouth Swimming Pool, Ham Lane, Sidmouth.

**Proposal:**

Erection of a new public toilet building.

**RESOLVED:**

Deferred – to be considered at an additional meeting on Friday, 24 May 2024.

155 **23/2455/FUL (Other) DUNKESWELL and OTTERHEAD**

**Applicant:**

Mr & Mrs M & J Summers.

**Location:**

Kains Park Farm, Kains Park Storage, Awilscombe, EX14 3NN.

**Proposal:**

Change of use of land for the storage of caravans, motorhomes and boats (use class B8) and associated works.

**RESOLVED:**

Deferred – to be considered at an additional meeting on Friday, 24 May 2024.

156 **24/0313/FUL (Minor) EXMOUTH TOWN**

**Applicant:**

Mr David Freer.

**Location:**

The Octagon, Esplanade, Exmouth, EX8 2AZ.

**Proposal:**

Proposed change of use from shop (Class E(a)) to café (Class E(b)) two side extensions and internal alterations.

**RESOLVED:**

Deferred – to be considered at an additional meeting on Friday, 24 May 2024.

157 **22/2719/FUL (Minor) WOODBURY and LYMPSTONE**

**Applicant:**

Misters M & C Tanton.

**Location:**

Stables & premises, Bond Lane Farm, Bonds Lane, Woodbury Salterton.

**Proposal:**

Change of use from poultry farm to industrial (Use Class E(g)) and storage (B8).

**RESOLVED:**

Deferred – to be considered at an additional meeting on Friday, 24 May 2024.

158 **23/0685/MOUT (Major) AXMINSTER**

**Applicant:**

Hortons Estate Developments Ltd.



**Location:**

Land adjacent Cloakham Lawn and Chard Road, Chard Road, Axminster.

**Proposal:**

Hybrid application: outline application for the erection of up to 140 dwellings, 0.8 hectares of Class E employment land, public open space, drainage and ancillary works (all matters reserved except access).

Full application for works to football training pitch, including drainage improvement work, 4 x 15m tall floodlighting columns and erection of 6m high ballstop netting on west side of football pitch and training ground.

**RESOLVED:**

1. To adopt the appropriate assessment.
2. To secure financial contributions and other matters through a Section 106 legal agreement.
3. Approved with conditions as per officer recommendation.

159 **24/0352/FUL (Minor) WEST HILL and AYLESBEARE**

**Applicant:**

Matt & Kaylee Smith.

**Location:**

Lindridge, Elsdon Lane, West Hill, EX11 1UB.

**Proposal:**

Demolition of existing bungalow and garage with construction of a replacement house and integral double garage.

**RESOLVED:**

Approved with conditions as per officer recommendation subject to an amendment to condition 9 to retain hedge at a height of 4m and additional condition to require the garage with studio above to be used for purposes incidental to the use of the main house only.

160 **23/1973/FUL (Minor) WEST HILL and AYLESBEARE**

**Applicant:**

Miss Kate Boulten.

**Location:**

The Croft, Bendarroch Road, West Hill, EX11 1UW.

**Proposal:**

Replacement dwelling including the demolition of the existing dwelling and multiple outbuildings located within the grounds.

**RESOLVED:**

Approved with conditions as per officer recommendation.

161 **23/2471/FUL (Other) YARTY**

**Applicant:**

Mr & Mrs Lippett.

**Location:**

Merrywood, Blackpool Corner, Axminster, EX13 5UH.

**Proposal:**

Single-storey side extension to bungalow and existing vehicle access widened.

**RESOLVED:**

Approved as per officer recommendation.

**Attendance List**

**Councillors present:**

B Bailey  
I Barlow  
C Brown  
J Brown  
S Chamberlain  
M Chapman  
O Davey (Chair)  
P Faithfull  
D Haggerty  
A Hall  
M Hall (Vice-Chair)  
M Howe  
S Smith  
E Wragg

**Councillors also present (for some or all the meeting)**

J Bailey  
J Loudoun  
T Olive  
P Hayward  
N Hookway  
D Wilson

**Officers in attendance:**

Jeremy Ebdon, Principal Planning Officer (East)  
Jill Himsworth, Planning Officer  
Damian Hunter, Planning Solicitor  
Wendy Ormsby, Development Manager  
Wendy Harris, Democratic Services Officer  
Gavin Spiller, Principal Planning Officer (West)  
Jamie Quinton, Senior Planning Officer  
Jack Richards, Planning Assistant

**Councillor apologies:**

A Bruce  
S Gazzard

Chairman .....

Date: .....

## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of the meeting of Planning Committee held at Council Chamber, Blackdown House, Honiton on 24 May 2024**

#### **Attendance list at end of document**

The meeting started at 1.30 pm and ended at 5.55 pm. There were two adjournments for this meeting, the first at 3.00 pm and reconvened at 3.10 pm and the second at 5.27 pm and reconvened at 5.35 pm.

#### **162 Declarations of interest**

Minute 165. 23/2506/MFUL (Major) CLYST VALLEY.  
Councillor Mike Howe, Affects Non-registerable Interest, Bishops Clyst Parish Councillor.

Minute 166. 23/2537/FUL (Minor) SIDMOUTH TOWN.  
Councillor Ian Barlow, Affects Non-registerable Interest, Sidmouth Town Councillor and advised of predetermination and would not take part in discussions or vote for this application.

Minute 167. 24/0313/FUL (Minor) EXMOUTH TOWN.  
Councillors Oly Davey and Brian Bailey, Affects Non-registerable Interest, Exmouth Town Councillor.

#### Non Committee Member

Minute 167. 24/0313/FUL (Minor) EXMOUTH TOWN.  
Councillor Aurora Bailey, Affects Non-registerable Interest, Exmouth Town Councillor.

#### **163 Matters of urgency**

There were none.

#### **164 Confidential/exempt item(s)**

There were none.

#### **165 23/2506/MFUL (Major) CLYST VALLEY**

##### **Applicant:**

Mr Peter Quincey.

##### **Location:**

Winslade Park, Clyst St Mary.

##### **Proposal:**

Installation of solar array with associated infrastructure, access and landscaping.

##### **RESOLVED:**

Refused contrary to officer recommendation for the following reasons:

1. Having regard to its siting, scale and design the proposed solar farm would harm the distinctive landscape, amenity and environmental qualities within which it would

be located and as such is contrary to Strategy 7 (Development in the Countryside), Strategy 39 (Renewable and Low Carbon Energy Projects), Strategy 46 (Landscape Conservation and Enhancements and AONBs), Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013 to 2031 and the provisions of the National Planning Policy Framework, 2023.

2. The proposed development will prevent the delivery of public open space required as part of extant planning permission 20/1001/MOUT, adversely affecting the amenity of future occupiers of that development and the wider community, contrary to Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan, 2013 to 2031 and the provisions of the National Planning Policy Framework, 2023.
3. The proposed development will result in less than substantial harm to nearby heritage assets which is not outweighed by the public benefits of the proposed development. As such the development is contrary to Strategy 39 (Renewable and Low Carbon Energy Projects), Strategy 49 (The Historic Environment) and Policy EN9 (Development Affecting a Designated Heritage Asset) of the East Devon Local Plan, 2013 to 2031 and the provisions of the National Planning Policy Framework, 2023.

166 **23/2537/FUL (Minor) SIDMOUTH TOWN**

**Applicant:**

Mr Jorge Pineda-Langford (EDDC).

**Location:**

Sidmouth Swimming Pool, Ham Lane, Sidmouth.

**Proposal:**

Erection of a new public toilet building.

**RESOLVED:**

Refused contrary to officer recommendation.

Having regard to its siting, scale and design the proposed building would appear as an incongruous feature in the street scene, out of character with the area, failing to conserve or enhance the setting of nearby heritage assets and adversely impacting on the visibility of and access to and around adjacent public buildings. As such the proposed development is contrary to Strategy 6 (Development within Built-Up Area Boundaries), Strategy 26 (Development at Sidmouth), Policy D1 (Design and Local Distinctiveness), Strategy 49 (The Historic Environment) and Policy EN9 (Development Affecting a Designated Heritage Asset) of the East Devon Local Plan, 2013 to 2031 and the provisions of the National Planning Policy Framework, 2023.

Councillor Ian Barlow did not take part in discussions and did not take part in the vote.

167 **24/0313/FUL (Minor) EXMOUTH TOWN**

**Applicant:**

Mr David Freer.

**Location:**

The Octagon, Esplanade, Exmouth, EX8 2AZ.

**Proposal:**

Proposed change of use from shop (Class E(a)) to café (Class E(b)) two side extensions and internal alterations.

**RESOLVED:**

Approved with conditions as per officer recommendation.

168 **23/2455/FUL (Minor) DUNKESWELL & OTTERHEAD**

**Applicant:**

Mr & Mrs M & J Summers.

**Location:**

Kains Park Farm, Kains Park Storage, Awliscombe, EX14 3NN.

**Proposal:**

Change of use of land for the storage of caravans, motorhomes and boats (Use Class B8) and associated works.

**RESOLVED:**

Refused as per officer recommendation.

169 **22/2719/FUL (Minor) WOODBURY & LYMPSTONE**

**Applicant:**

Misters M & C Tanton.

**Location:**

Stables & premises, Bond Lane Farm, Bonds Lane, Woodbury Salterton.

**Proposal:**

Change of use from poultry farm to industrial (Use Class E(g) and storage (B8)).

**RESOLVED:**

Approved with conditions as per officer recommendation.

**Attendance List**

**Councillors present:**

B Bailey  
I Barlow  
C Brown  
J Brown  
O Davey (Chair)  
P Faithfull  
A Hall  
M Howe  
E Wragg

**Councillors also present (for some or all the meeting)**

A Bailey

T Olive  
R Collins

**Officers in attendance:**

Wendy Ormsby, Development Manager  
Anita Williams, Principal Solicitor (Deputy Monitoring Officer)  
Wendy Harris, Democratic Services Officer  
Nigel Barrett, Senior Planning Officer  
Gavin Spiller, Principal Planning Officer (West)  
Jill Himsworth, Planning Officer

**Councillor apologies:**

A Bruce  
S Chamberlain  
M Chapman  
S Gazzard  
D Haggerty  
M Hall  
S Smith

Chairman .....

Date: .....

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

**Ref:** 23/1849/FUL                      **Date Received** 14.05.2024  
**Appellant:** Mr Mark Weekes  
**Appeal Site:** Land South Of Dunsmore Farm Rewe Exeter EX5 4DX  
**Proposal:** Proposed erection of a permanent rural workers dwelling, 2x proposed car port and installation of 28x solar panels on roof.  
**Planning Inspectorate Ref:** APP/U1105/W/24/3344323

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**Ref:** 23/2418/PDQ                      **Date Received** 22.05.2024  
**Appellant:** Mr and Mrs Willis  
**Appeal Site:** Higher Berry Farm Clyst St Lawrence Cullompton EX15 2NW  
**Proposal:** Prior approval application to convert existing farm building to a residential dwelling with associated development  
**Planning Inspectorate Ref:** APP/U1105/W/24/3344843

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**Ref:** 24/0525/COU                      **Date Received** 24.05.2024  
**Appellant:** M Stephen Hartwell  
**Appeal Site:** Land Adjacent To Grange Farm Newton Poppleford EX10 0BY  
**Proposal:** Change of use of agricultural land to residential garden  
**Planning Inspectorate Ref:** APP/U1105/W/24/3345084

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**Ref:** 24/0325/FUL                      **Date Received** 28.05.2024  
**Appellant:** Mr D J Blackmore  
**Appeal Site:** Southlands Gardens King Street Honiton  
**Proposal:** Demolition of storage building and erection of a one bedroom bungalow.  
**Planning Inspectorate Ref:** APP/U1105/W/24/3345160

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

**Ref:** 23/0402/FUL                      **Appeal Ref:** 23/00029/REF  
**Appellant:** Mr K Mooney  
**Appeal Site:** Land Lying to The South of Rull Barton Rull Lane Whimble  
**Proposal:** Construction of dwelling and associated works  
**Decision:** **Appeal Dismissed**    **Date:** 08.05.2024  
**Procedure:** Written representations  
**Remarks:** Delegated refusal, countryside protection and amenity reasons upheld (EDLP Policy D1, Strategy 7).  
**BVPI 204:** **Yes**  
**Planning** APP/U1105/W/23/3326357  
**Inspectorate Ref:**

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**Ref:** 23/1316/FUL                      **Appeal Ref:** 24/00023/REF  
**Appellant:** Mr & Mrs Halse  
**Appeal Site:** Combehayes Farm Buckerell Devon EX14 3ET  
**Proposal:** Demolition of existing extension and proposed replacement single storey extension, reconfiguring external stone wall and hard landscaping  
**Decision:** **Appeal Invalid**                      **Date:** 08.05.2024  
**Procedure:**  
**Remarks:** Appeal submitted out of time.  
**BVPI 204:** **No**  
**Planning** APP/U1105/D/24/3343239  
**Inspectorate Ref:**

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**Ref:** 23/2343/FUL                      **Appeal Ref:** 24/00008/HH  
**Appellant:** Mr James Werb  
**Appeal Site:** 13 Parkside Crescent Exeter EX1 3TW  
**Proposal:** New garage and parking spaces.  
**Decision:** **Appeal Dismissed**    **Date:** 09.05.2024  
**Procedure:** Householder  
**Remarks:** Delegated refusal, amenity reasons upheld (EDLP Policy D1, Broadclyst NP Policy D1).  
**BVPI 204:** **Yes**  
**Planning** APP/U1105/D/24/3338080  
**Inspectorate Ref:**

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**Ref:** 23/1419/FUL **Appeal Ref:** 24/00006/HH  
**Appellant:** Ms J Grigg  
**Appeal Site:** 41 Fleming Avenue Sidmouth Devon EX10 9NH  
**Proposal:** Erection of first floor side extension  
**Decision:** **Appeal Allowed** **Date:** 09.05.2024  
**(with conditions)**  
**Procedure:** Householder  
**Remarks:** Delegated refusal, amenity reasons overruled (EDLP Policy D1, SVNP Policy 6).

The Inspector acknowledged that this residential area is not overly spacious given its original layout and also a number of extensions which have been undertaken. However, residents would rightly expect a reasonable level of amenity and outlook.

The Inspector considered that the proposal would not have a dominating impact for neighbours at 24 Drakes Avenue and they would continue to enjoy good quality living conditions.

The Inspector concluded that the appeal proposal would not have unacceptable adverse effects on living conditions for neighbours and is therefore in accordance with the relevant Local Plan and Neighbourhood Plan Policies which amongst other matters, seek to ensure that new development would safeguard the amenity of neighbours.

**BVPI 204:** **Yes**  
**Planning** APP/U1105/D/24/3337466  
**Inspectorate Ref:**

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**Ref:** 22/0058/FUL **Appeal Ref:** 22/00045/REF  
**Appellant:** Sophie, Harriet and Oliver Persey  
**Appeal Site:** 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.  
**Decision:** **Appeal Dismissed** **Date:** 10.05.2024  
**Procedure:** Written representations  
**Remarks:** Officer recommendation to refuse, Committee refusal, accessibility reasons upheld (EDLP Policy TC2, Strategies 7 & 27).  
**BVPI 204:** **Yes**  
**Planning** APP/U1105/W/22/3305830  
**Inspectorate Ref:**

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**Ref:** 23/0615/VAR **Appeal Ref:** 23/00045/REF  
**Appellant:** Mr Gary Burns (Serenity Leisure Parks Ltd)  
**Appeal Site:** 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.  
**Decision:** **Appeal Allowed** **Date:** 21.05.2024  
**(with conditions)**  
**Procedure:** Written representations  
**Remarks:** Officer recommendation to approve, Committee refusal,  
accessibility and justification reasons overruled (EDLP Policy  
TC2, Strategies 7 & 33).

The Inspector considered that whilst the proposed variation of the condition would allow an unrestricted dwelling in an area of open countryside, it had not been demonstrated that the occupancy of the dwelling, otherwise than in connection with the caravan and camping park, would have a material impact on the number of journeys by private car to and from the site, having regard to its existing use as a dwelling. Furthermore, there was no substantive evidence that the accommodation was required in connection with the day-to-day operational needs of the site, or that the unfettered occupation of the property would undermine the current or future viability of the business.

The Inspector concluded that the appeal site is not a suitable location for an unrestricted dwelling when judged against relevant development plan policies relating to the location of residential development and to minimise the need to travel by car. As such, it would not accord with the development plan as a whole. However, the weight to be given to this conflict is modest because the harm that would arise would be very limited.

The disputed condition is not necessary, in the interests of the operation of the business and, as such, the variation of the condition as proposed would not be contrary to Strategy 33 of the LP which seeks to support and facilitate high quality tourism in East Devon or the aims of the Framework with regards to supporting a prosperous rural economy.

**BVPI 204:** **Yes**  
**Planning** APP/U1105/W/23/3331385  
**Inspectorate Ref:**

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**Ref:** 22/1082/FUL **Appeal Ref:** 23/00030/REF  
**Appellant:** Pete Gibbins  
**Appeal Site:** Wild Flowers Seaton Road Colyford EX24 6QW  
**Proposal:** Construction of 1 no. dwelling, means of access and associated works  
**Decision:** **Appeal Dismissed** **Date:** 22.05.2024  
**Procedure:** Written representations  
**Remarks:** Delegated refusal, amenity reasons upheld (EDLP Policy D1, Strategy 7, Colyton NP Policy Coly 6).  
**BVPI 204:** **Yes**  
**Planning** APP/U1105/W/23/3326385  
**Inspectorate Ref:**

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**Ref:** 22/0074/FUL **Appeal Ref:** 23/00017/REF  
**Appellant:** Penelope Jane Cook  
**Appeal Site:** Country West Trading Estate Tytherleigh Axminster EX13 7BE  
**Proposal:** Construction of 5 no. dwellings, means of access and associated works  
**Decision:** **Appeal Dismissed** **Date:** 24.05.2024  
**Procedure:** Written representations  
**Remarks:** Delegated refusal, accessibility, amenity and ecology reasons upheld (EDLP Policies D1, D3, TC2, EN5, Strategies 3, 5, 5B, 7, 47, Chardstock NP Policy CPNP04).  
**BVPI 204:** Yes  
**Planning** APP/U1105/W/23/3321677  
**Inspectorate Ref:**

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**Ref:** 23/0743/FUL **Appeal Ref:** 23/00060/HH  
**Appellant:** Mr I Davies  
**Appeal Site:** Magnolia Cottage Coburg Road Sidmouth Devon EX10 8NF  
**Proposal:** Retention of a boundary screen.  
**Decision:** **Appeal Dismissed** **Date:** 29.05.2024  
**Procedure:** Householder  
**Remarks:** Delegated refusal, amenity and conservation reasons upheld (EDLP Policies D1, EN9, EN10, SVNP Policy 7).  
**BVPI 204:** **Yes**  
**Planning** APP/U1105/D/23/3334607  
**Inspectorate Ref:**

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**Ref:** 23/0401/OUT **Appeal Ref:** 23/00026/REF  
**Appellant:** Philip Jordan  
**Appeal Site:** Exton Lodge Mill Lane Exton EX3 0PJ  
**Proposal:** Outline proposal for a single dwelling with all matters reserved other than access  
**Decision:** **Appeal Dismissed** **Date:** 31.05.2024  
**Procedure:** Written representations  
**Remarks:** Officer recommendation to refuse, Committee refusal, accessibility reasons upheld (EDLP Policy TC2, Strategies 7 & 27).  
**BVPI 204:** **Yes**  
**Planning** APP/U1105/W/23/3325280  
**Inspectorate Ref:**

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## East Devon District Council List of Appeals in Progress

**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:** 2 July 2024

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**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:**  
**Hearing**  
**Questionnaire Due Date:** 2 November 2023  
**Statement Due Date:** 30 November 2023  
**Hearing Date:** 30 July 2024

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**App.No:** 23/1111/OUT  
**Appeal Ref:** APP/U1105/W/23/3332359  
**Appellant:** Mr A Watts  
**Address:** Land Adjacent 1 Ball Knapp Dunkeswell Honiton EX14 4QQ  
**Proposal;** Outline application with all matters reserved for the erection of  
one dwelling  
**Start Date:** 16 January 2024  
**Procedure:**  
**Written Reps.**  
**Questionnaire Due Date:** 23 January 2024  
**Statement Due Date:** 20 February 2024

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**App.No:** 23/0017/CPE  
**Appeal Ref:** APP/U1105/X/23/3333743  
**Appellant:** Mr Paul Sparks  
**Address:** Barn Close Combe Raleigh Honiton EX14 4SG  
**Proposal;** Certificate of existing lawful development to confirm material start to planning ref. 02/P0677 and breach of condition 3 (landscaping details).  
**Start Date:** 19 January 2024  
**Procedure:**  
**Written Reps.**  
**Questionnaire Due Date:** 2 February 2024  
**Statement Due Date:** 1 March 2024

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**App.No:** 23/1224/FUL  
**Appeal Ref:** APP/U1105/W/23/3333794  
**Appellant:** Mrs Elaine Paget  
**Address:** The Barn Annexe 2 Lower Court Cottages Fluxton Ottery St Mary EX11 1RL  
**Proposal;** Subdivision of 2 Lower Court Cottages, with creation of vehicular access and parking to serve new independent property  
**Start Date:** 12 February 2024  
**Procedure:**  
**Written reps.**  
**Questionnaire Due Date:** 19 February 2024  
**Statement Due Date:** 18 March 2024

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**App.No:** 23/0809/LBC  
**Appeal Ref:** APP/U1105/Y/23/3329576  
**Appellant:** Mrs Jill Bayliss  
**Address:** Flat above Flix Hair Design Market Place Colyton EX24 6JR  
**Proposal;** Retention of 2no. first floor windows on front elevation  
**Start Date:** 19 February 2024  
**Procedure:**  
**Written reps.**  
**Questionnaire Due Date:** 26 February 2024  
**Statement Due Date:** 25 March 2024

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**App.No:** 23/0102/FUL  
**Appeal Ref:** APP/U1105/W/23/3334808  
**Appellant:** Mr Gary Conway  
**Address:** 9 Tip Hill Ottery St Mary EX11 1BE  
**Proposal;** Erection of a new dwelling in land to the rear of 9 Tip Hill.  
**Start Date:** 27 February 2024  
**Procedure:**  
**Written reps.**

**Questionnaire Due Date:** 5 March 2024  
**Statement Due Date:** 2 April 2024

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**App.No:** 22/1377/FUL  
**Appeal Ref:** APP/U1105/W/23/3331872  
**Appellant:** Mr & Mrs D Branker  
**Address:** Site Of Spillers Cottage Shute EX13 7QG  
**Proposal;** Construction of a dwelling (retrospective) for occupation while the dwelling permitted under reference 21/0535/VAR is constructed, after which the first dwelling will be demolished  
**Start Date:** 5 March 2024  
**Procedure:**  
**Written reps.**

**Questionnaire Due Date:** 12 March 2024  
**Statement Due Date:** 9 April 2024

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**App.No:** 23/1451/FUL  
**Appeal Ref:** APP/U1105/W/23/3331313  
**Appellant:** John Shiel  
**Address:** Seagull House 1 Morton Crescent Exmouth EX8 1BE  
**Proposal;** Extension to front entrance and render existing boundary wall.  
**Start Date:** 5 March 2024  
**Procedure:**  
**Householder**

**Questionnaire Due Date:** 12 March 2024

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**App.No:** 23/1270/CPE  
**Appeal Ref:** APP/U1105/X/24/3339119  
**Appellant:** Mr and Mrs C M Summers  
**Address:** The Olde Dairy Hunthays Farm Awliscombe Honiton EX14 3QB  
**Proposal;** Application for a Lawful Development Certificate (CLUED) submitted under section 171B(3) of the Town and Country Planning Act 1990 (as amended) for the use of the building known as The Olde Dairy as an independent dwelling.  
**Start Date:** 14 March 2024  
**Procedure:** Written reps.  
**Questionnaire Due Date:** 28 March 2024  
**Statement Due Date:** 25 April 2024

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**App.No:** 22/2582/FUL  
**Appeal Ref:** APP/U1105/W/23/3332347  
**Appellant:** Mr Justin Werb  
**Address:** Barnards (land adjoining) Harepath Hill Seaton EX12 2TF  
**Proposal;** Erection of one dwelling and associated works.  
**Start Date:** 20 March 2024  
**Procedure:** Written reps.  
**Questionnaire Due Date:** 27 March 2024  
**Statement Due Date:** 24 April 2024

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**App.No:** 23/1246/FUL  
**Appeal Ref:** APP/U1105/W/23/3334501  
**Appellant:** Mr & Mrs D Moll  
**Address:** Flat 2 7 Louisa Terrace Exmouth EX8 2AQ  
**Proposal;** Proposed window/doors, revised terrace and guarding (amended fenestration opening detail)  
**Start Date:** 25 March 2024  
**Procedure:** Written reps.  
**Questionnaire Due Date:** 1 April 2024  
**Statement Due Date:** 29 April 2024

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**App.No:** 23/2155/FUL  
**Appeal Ref:** APP/U1105/W/24/3336452  
**Appellant:** Mr & Mrs D Moll  
**Address:** Flat 2 7 Louisa Terrace Exmouth Devon EX8 2AQ  
**Proposal;** For proposed window/door  
**Start Date:** 25 March 2024

**Procedure:**  
**Written reps.**

**Questionnaire Due Date:** 1 April 2024  
**Statement Due Date:** 29 April 2024

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**App.No:** 23/0176/FUL  
**Appeal Ref:** APP/U1105/D/24/3339590  
**Appellant:** Mrs Eileen Wilkins  
**Address:** Whiteleaf Poltimore EX4 0AD  
**Proposal;** The construction of a fence between the property and the road to replace a ten feet high Leylandii hedge (retrospective)  
**Start Date:** 25 March 2024

**Procedure:**  
**Householder**

**Questionnaire Due Date:** 1 April 2024

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**App.No:** 23/1279/FUL  
**Appeal Ref:** APP/U1105/W/23/3335680  
**Appellant:** Mr Alban Connell  
**Address:** Land Adjacent Poppins Goldsmith Lane All Saints  
**Proposal;** Conversion of an agricultural barn to form a 1-bedroom dwelling.  
**Start Date:** 26 March 2024

**Procedure:**  
**Written reps.**

**Questionnaire Due Date:** 2 April 2024  
**Statement Due Date:** 30 April 2024

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**App.No:** 22/0349/OUT  
**Appeal Ref:** APP/U1105/W/23/3334118  
**Appellant:** Mr & Mrs Reeves  
**Address:** Kilmore House Poltimore Exeter EX4 0AT  
**Proposal;** Outline application for an exception site comprising of 4 affordable houses and 2 open market houses  
**Start Date:** 3 April 2024  
**Procedure:**  
**Written reps.**  
**Questionnaire Due Date:** 10 April 2024  
**Statement Due Date:** 8 May 2024

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**App.No:** 23/0332/FUL  
**Appeal Ref:** APP/U1105/W/24/3337198  
**Appellant:** Mrs H Mitchell  
**Address:** Land Adjacent to The Gardens Blackhorse  
**Proposal;** Construction of 5 dwellings with associated new vehicular access off Blackhorse Lane, parking and landscaping  
**Start Date:** 8 April 2024  
**Procedure:**  
**Written reps.**  
**Questionnaire Due Date:** 15 April 2024  
**Statement Due Date:** 13 May 2024

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**App.No:** 23/2209/FUL  
**Appeal Ref:** APP/U1105/W/24/3336804  
**Appellant:** Gill Parry  
**Address:** 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]  
**Start Date:** 8 April 2024  
**Procedure:**  
**Written reps.**  
**Questionnaire Due Date:** 15 April 2024  
**Statement Due Date:** 13 May 2024

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**App.No:** 22/1973/MOUT  
**Appeal Ref:** APP/U1105/W/24/3336475  
**Appellant:** ALD Developments (Mr A Davis)  
**Address:** 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.  
**Start Date:** 10 April 2024  
**Procedure:**  
**Written reps.**  
**Questionnaire Due Date:** 17 April 2024  
**Statement Due Date:** 15 May 2024

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**App.No:** 23/0810/FUL  
**Appeal Ref:** APP/U1105/D/24/3341105  
**Appellant:** Mr Alan Stevenson  
**Address:** 8 Mill Street Sidmouth EX10 8DF  
**Proposal;** Proposed two storey rear extension  
**Start Date:** 12 April 2024  
**Procedure:**  
**Written reps.**  
**Questionnaire Due Date:** 19 April 2024  
**Statement Due Date:** 17 May 2024

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**App.No:** 23/2535/PIP  
**Appeal Ref:** APP/U1105/W/24/3338889  
**Appellant:** Mr Gary Moore (The Land & Planning Consultancy Ltd)  
**Address:** Land Adjacent Elsdon House Elsdon Lane West Hill  
**Proposal;** Permission in principle for the demolition of an existing greenhouse and the construction of two dwellings  
**Start Date:** 15 April 2024  
**Procedure:**  
**Written reps.**  
**Questionnaire Due Date:** 22 April 2024  
**Statement Due Date:** 20 May 2024

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**App.No:** 23/1477/FUL  
**Appeal Ref:** APP/U1105/W/23/3331844  
**Appellant:** Mrs Charlotte Macadam  
**Address:** Parmiters Combpyne Axminster EX13 8TE  
**Proposal;** Change of use of land to residential garden.  
**Start Date:** 16 April 2024  
**Procedure:**  
**Written reps.**

**Questionnaire Due Date:** 23 April 2024  
**Statement Due Date:** 21 May 2024

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**App.No:** 23/1829/FUL  
**Appeal Ref:** APP/U1105/W/24/3336569  
**Appellant:** Mr Harry Carter  
**Address:** 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  
**Start Date:** 16 April 2024  
**Procedure:**  
**Written reps.**

**Questionnaire Due Date:** 23 April 2024  
**Statement Due Date:** 21 May 2024

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**App.No:** 23/2031/FUL  
**Appeal Ref:** APP/U1105/W/24/3340405  
**Appellant:** Mr and Mrs Gaskin  
**Address:** Castlewell Stockland Devon EX14 9DB  
**Proposal;** Demolition of existing building. Replacement dwelling and associated works, including alterations to outbuilding to create a bat loft.  
**Start Date:** 16 April 2024  
**Procedure:**  
**Written reps.**

**Questionnaire Due Date:** 23 April 2024  
**Statement Due Date:** 21 May 2024

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**App.No:** 23/1888/FUL  
**Appeal Ref:** APP/U1105/W/24/3341824  
**Appellant:** Mr and Mrs Peek  
**Address:** Land Adjacent Irongate Lodge Escot Park Ottery St Mary  
**Proposal;** Proposed dwelling and removal of timber structures and a summerhouse including 28 solar panels.  
**Start Date:** 16 April 2024  
**Procedure:**  
**Written reps.**  
**Questionnaire Due Date:** 23 April 2024  
**Statement Due Date:** 21 May 2024

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**App.No:** 23/1115/FUL  
**Appeal Ref:** APP/U1105/W/24/3339579  
**Appellant:** Antony Paul  
**Address:** 24 Cherry Close Honiton Devon EX14 2XT  
**Proposal;** Construction of a new dwelling.  
**Start Date:** 23 April 2024  
**Procedure:**  
**Written reps.**  
**Questionnaire Due Date:** 30 April 2024  
**Statement Due Date:** 28 May 2024

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**Ref.No:** 21/F0358  
**Appeal Ref:** APP/U1105/C/24/3342728  
**Appellant:** Mr Barry Hooper  
**Address:** Higher Wick Farm, Luppitt  
**Proposal;** Appeal against the serving of an enforcement notice in respect of the change of use of a former agricultural barn to a steel fabrication workshop.  
**Start Date:** 25 April 2024  
**Procedure:**  
**Inquiry**  
**Questionnaire Due Date:** 9 May 2024  
**Statement Due Date:** 6 June 2024  
**Inquiry Date:** 13 August 2024

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**App.No:** 24/0017/FUL  
**Appeal Ref:** APP/U1105/W/24/3340283  
**Appellant:** Ms Sam Knighton  
**Address:** The Maltsters Arms Greenway Woodbury Exeter EX5 1LN  
**Proposal;** Retrospective application for retention of marquee to be used as ancillary accommodation to the Maltster's Public House  
**Start Date:** 7 May 2024  
**Procedure:**  
**Written reps.**  
**Questionnaire Due Date:** 14 May 2024  
**Statement Due Date:** 11 June 2024

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**App.No:** 23/1472/FUL  
**Appeal Ref:** APP/U1105/W/24/3339709  
**Appellant:** Mr Darren Pyne  
**Address:** 18 Colleton Way Exmouth Devon EX8 3PX  
**Proposal;** Separating existing property into two dwellings including gardens and driveways and addition of front porch.  
**Start Date:** 14 May 2024  
**Procedure:**  
**Written reps.**  
**Questionnaire Due Date:** 21 May 2024  
**Statement Due Date:** 18 June 2024

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**App.No:** 23/1978/FUL  
**Appeal Ref:** APP/U1105/W/24/3341070  
**Appellant:** Mr & Mrs Dan and Claire McCandlish  
**Address:** Land Adjacent to Park House Plymtree  
**Proposal;** Proposed new dwelling and relocated site access with associated landscaping and parking  
**Start Date:** 23 May 2024  
**Procedure:**  
**Written reps.**  
**Questionnaire Due Date:** 30 May 2024  
**Statement Due Date:** 27 June 2024

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**App.No:** 23/2540/VAR  
**Appeal Ref:** APP/U1105/W/24/3341698  
**Appellant:** Mr and Mrs Anthony  
**Address:** Land South Of Underhill Close Lymptone  
**Proposal;** Variation of conditions 1 (Approved plans), 8 (Privacy screen) and 9 (Void space) of 22/2410/RES (Application for approval of reserved matters (appearance, landscaping, layout and scale) for the construction of a predominantly single storey dwelling following outline application (20/0933/OUT) (pursuant to the grant of outline planning permission appeal ref: APP/U1105/W/21/3282445) to update the house design and drawing reference numbers

**Start Date:** 28 May 2024  
**Procedure:** Written reps.

**Questionnaire Due Date:** 4 June 2024  
**Statement Due Date:** 2 July 2024

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**App.No:** 23/1333/FUL  
**Appeal Ref:** APP/U1105/D/24/3341610  
**Appellant:** Mr. & Mrs. M. Luckman  
**Address:** Perky Pool Cottage Talaton Road Whimble Exeter EX5 2QZ  
**Proposal;** Proposed extension to garage, including addition of external stair with bin store beneath, formation of half hipped roof extension on the rear elevation and alteration to fenestration.

**Start Date:** 29 May 2024  
**Procedure:** Householder

**Questionnaire Due Date:** 5 June 2024

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**Ward** Sidmouth Town

**Reference** 24/0263/MFUL

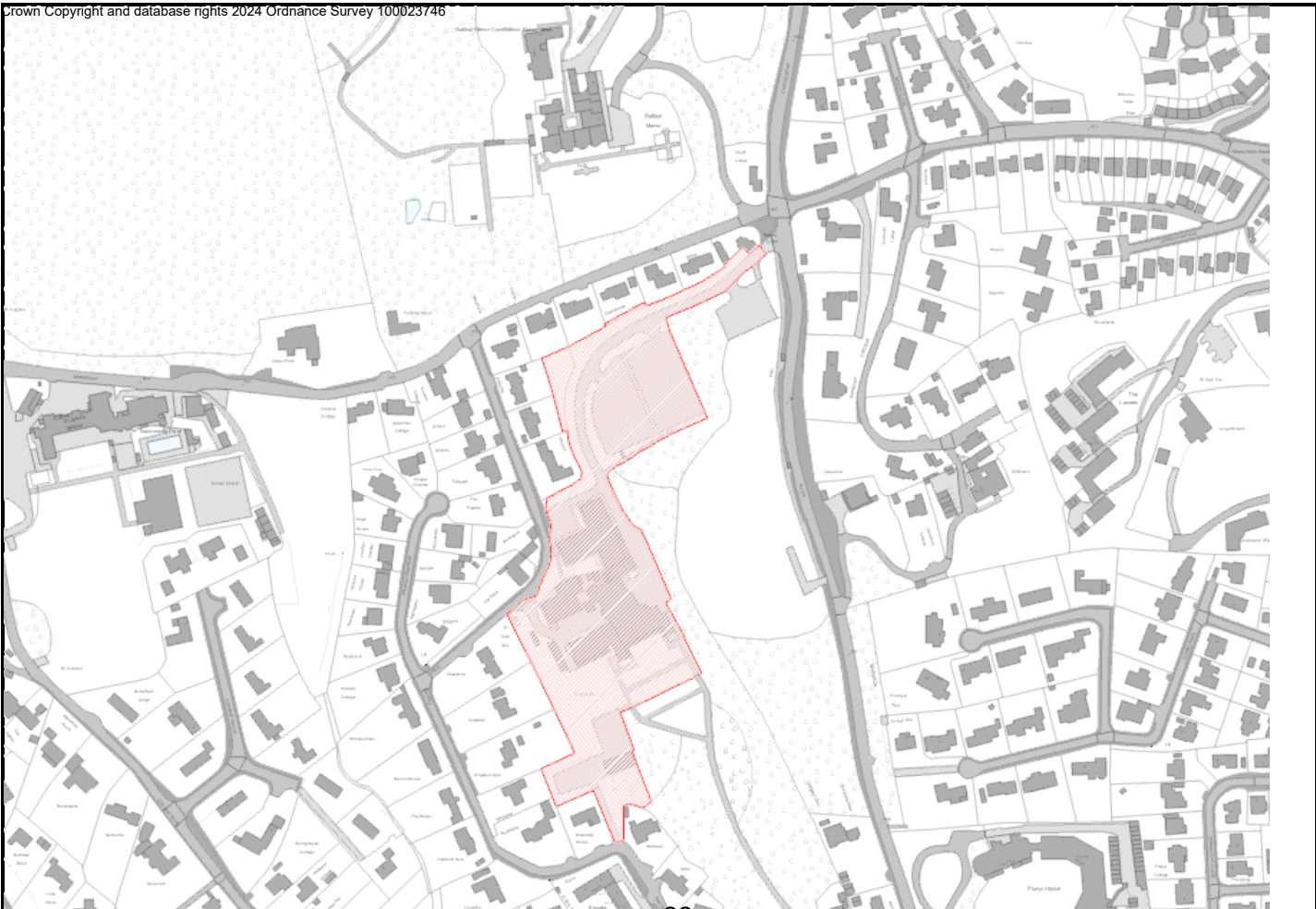
**Applicant** Mr Paull

**Location** Former Council Offices Knowle Sidmouth Devon 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 (Sheltered housing) and (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) (Variation to previous application (23/0571/MFUL) showing removal of balconies and elevational changes to west elevation of Retirement Living block, and alterations to the southern end/ elevations of the Retirement Living and Extra Care buildings)



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



		<b>Committee Date: 18.06.2024</b>
<b>Sidmouth Town (Sidmouth)</b>	<b>24/0263/MFUL</b>	<b>Target Date: 08.05.2024</b>
<b>Applicant:</b>	<b>Mr Paull (McCarthy And Stone Retirement Lifestyles Ltd)</b>	
<b>Location:</b>	<b>Former Council Offices Knowle</b>	
<b>Proposal:</b>	<p><b>Redevelopment of site to provide:</b></p> <p><b>(a) Care home building (Class C2) with associated parking, landscaping, staff and resident facilities and associated works</b></p> <p><b>(b) Extra care apartment building (53 units) with associated communal lounge, wellbeing suite, restaurant and care provision (class C2)</b></p> <p><b>(c) Retirement living apartment building (33 units) with associated communal lounge (Sheltered housing) and</b></p> <p><b>(d) Erection of 4 houses and 3 townhouses (Class C3)</b></p> <p><b>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)</b></p> <p><b>(Variation to previous application (23/0571/MFUL) showing removal of balconies and elevational changes to west elevation of Retirement Living block, and alterations to the southern end/elevations of the Retirement Living and Extra Care buildings)</b></p>	

**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 30<sup>th</sup> 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 fallback position.

Members will be aware of a previous planning application, ref; 23/0571/MFUL which sought a similar development to that now proposed. Following, a previous committee meeting this application was refused, contrary to the officer recommendation, with a decision notice issued in February of this year. This current application revises that refusal in seeking to address the two reasons given regarding its design and overlooking impact on adjacent residential properties. The applicant has lodged an appeal against that refusal with the Planning Inspectorate.

This current 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.

In an attempt to overcome the reasons for refusal of planning application 23/0571/MFUL the proposal has removed some of the balcony on the West elevation of one of the apartment blocks and revised the design of the blocks facing the parkland to the immediate south of the site.

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.

The proposal has amended the proposed design of the parkland facing elevations. From outside of the site from medium and long range views the development would be perceptible, but no harm would be necessarily forthcoming. Again, 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

could be mitigated 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 allowed at appeal. 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. There is an objection from the County Highway Authority as they are concerned that an access from Knowle Drive could be used once the accommodation is operational. Officers consider that this could be overcome via condition to ensure against this happening. Conditions during the construction phase can ensure that this is carried out in an acceptable manner.

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 was assessed by an independent viability appraiser under the previously refused scheme who has concluded that VBC is applicable in this instance but also that some profit would be realised should mitigation contributions be required.

The NPPF at paragraph 124 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.

## **CONSULTATIONS**

### **Local Consultations**

Sidmouth Town - Sophie Richards

Having met with residents on many occasions and listened to their views, I wish to object to this latest application. I am saddened to see it has made little by way of amendment to the

initial proposal the EDDC Planning Committee rejected. It appears the developer has taken little heed to the concerns of residents and the Committee.

We all agree the site needs to be developed, it can't be unoccupied indefinitely. I want development at the Knowle - but I do not agree to this proposal. The following are my, and resident's, main objections:

1. The nature of the development: its size, height and style.

a) This plot is situated in a prime spot in our Town. Any development needs to consist of the right number of dwellings and at the right height. This is not that. I wish to echo the many, many comments residents have made about this, as I share their grave concerns.

b) Number of dwellings. I believe the numbers proposed are too high. The current Local Plan 2013-2031 allocated 50 dwellings on the site. This number was exceeded when PegasusLife obtained planning permission on appeal for 113 apartments. McCarthyStone's proposal is for less (95 dwellings, I believe) but the number of residential units is greatly exceeded when the 70 bed care home is included.

c) Height of the development. I echo the comments of the many residents who have raised concerns about the proposed height of the development. This proposal will be an eyesore on our Town and dominate the skyline. I have been into the gardens of residents of Knowle Drive and the proposed site can only be deemed as overbearing and unfair on residents. To accommodate the Retirement Living Apartment Building and various parts of the site and parking, the application proposes to remove the majority of existing trees and natural screening on this boundary. This will result in unobstructed views of basically the whole building from the West and South West. Moreover, you will be able to see the site from the road. In addition, this application removes some balconies on the west face of this building. This does not, however, sufficiently mitigate against concerns residents have regarding their privacy and the height and scale of the proposed buildings, as the scale, orientation and position remain unaltered. The site will leave residents of the Knowle, the care home and Broadway overlooked, with their privacy gone. This is not acceptable and more needs to be done to rectify this.

d) This site sits at the entrance to Sidmouth and I am deeply worried about its scale. It will be an overbearing eyesore when entering Sidmouth.

e) Design of the development. I share residents' concerns about the appearance of the site. I would welcome other designs as it is simply not in keeping with the style of buildings in Sidmouth. Sidmouth is an historic, regency town and any development of such a prestigious site needs to be in keeping with the town's character.

f) Residents of Knowle Drive understand the site needs to be developed, but I am astonished the developer is doing so little to take residents along with them. Where is the residents forum I suggested? I do wish the developer would think more about residents when submitting applications, as this will be key to inspiring confidence and support from the community.

2. Local Plan

a) I do not believe this is a "balanced" proposal. The average age of residents in Sidmouth is already disproportionately higher than the UK average. I believe this is a missed opportunity to provide affordable housing for young families in the Sid Valley. I was saddened to see this wasn't rejected on the grounds of a 'balanced' community. We don't have many spaces in the Sid Valley and we want, and need, a more sustainable community.

I want people who were born in Sidmouth to be able to stay in Sidmouth. This application does not support the National Planning Policy Framework's objective to "support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations".

### 3. Flooding

a) I know the developer has taken steps to address local concerns about drainage, but I remain unconvinced. There should never have been any concerns. I share residents' views about a lack of a proper flood risk assessment having taken place. Knowle Drive is already prone to flooding and I cannot understand how it can be deemed acceptable to increase pressures on the existing infrastructure. I can, therefore, only assume that SWW have not undertaken capacity testing during periods of heavy rainfall, which makes their 'assurance' implausible and unreliable.

b) This is a prestigious development site which should command the right level of investment from the very beginning.

### 4. Access to Knowle Drive

a) I object to any use of Knowle Drive for construction vehicles. Assurances need to be given that the only access used will be via the road going directly into the site, not Knowle Drive. Emergency vehicles will not be able to gain access otherwise and this is simply unacceptable.

### 5. Local Services

a) I worry the current plan requires workers that we have nowhere to house and will cause increased pressure on our local services. Sidmouth is home to an ageing population. This development is a concern to local doctors, nurses and carers. Carers who are already unable to live and work in Sidmouth due to a lack of affordable housing.

It appears that precious little has been changed, showing a lack of genuine community engagement from the developer. I strongly object to this application as proposed. This development needs to be right for residents, for our community and for the future of Sidmouth.

## Parish/Town Council

### OBJECT:

Members had, at previous meetings, expressed significant concerns and made objections regarding proposals, citing various issues that required urgent attention and revision. These have not been addressed by the applicant in the latest application. Members reiterated that the proposed development's nonalignment with Policy 1 Sid Valley Development Principles was a primary concern. The policy emphasised the importance of avoiding adverse impacts on the environmental and aesthetic quality of the Sidmouth area and aims to protect or enhance the Sid Valley.

However, as outlined in previous communications, there were several key areas where the proposed development fell short:

DC/ DELREP4

1) Population Impact: The anticipated increase in elderly residents without a corresponding plan to address healthcare and support services challenges the existing infrastructure's capacity and raised major concerns about meeting the needs of both current and future residents. This issue was also raised in an objection by Dr Joe Stych of Sid Valley Medical Practice.

2) Environmental Concerns: The scale, design, and impact on the surrounding landscape, including overlooking adjacent properties, remained significant issues that needed to be addressed to ensure the development respected the character and scale of the existing neighbourhood. The increase in the number of units proposed would mean the removal of a number of mature trees which would have acted to screen any development from lines of sight from all angles around the valley. This development is therefore contrary to Strategies 6 and 26 and Policy D1 of the East Devon Local Plan 2013-2031, Policy 7 of the Sid Valley Neighbourhood Plan, 2018-2032 and National Planning Policy Framework, 2023 in particular paragraphs 131, 135 and 139.

3) Design and Aesthetics: Despite minimal efforts to revise the proposals, concerns persisted regarding the attractiveness, design quality, and compatibility with the surrounding area, including the impact on a listed 'Folly' and overall visual harmony. Furthermore, the presence of an additional 18 balconies overlooking the park raised privacy and aesthetic concerns, impacting both residents and park users negatively. The development proposals are contrary to Policy D1 of the East Devon Local Plan 2013-2031, Policy 6 of the Sid Valley Neighbourhood Plan, 2018-2032 and National Planning Policy Framework in particular paragraph 135.

4) Housing Market Considerations: Given the over-supply for retirement living accommodation that already exists within the valley, and the national trend for older residents to shun such purpose built properties, questions about the demand for such units and the balance of priorities in addressing housing needs, particularly regarding age-restricted units, required careful consideration and justification. These concerns have been raised on many occasions and by many residents of the Sid Valley. 51% of residents in the valley are over the age of 65. The Sid Valley no longer needs or can manage this type of accommodation. Members did not agree that with the assertion that local residents would downsize. Historic sales of such flats revealed that they were mainly sold to incoming residents. McCarthy and Stone will be aware of the poor sales performance of a recent Churchill Development in Sidford, as it is part of the same group of companies.

5) Parking and Traffic Management: Insufficient parking is provided within the complex, both for residents and the large number of accompanying care staff and visitors. This would lead to over-spill parking on surrounding streets, causing congestion, safety risks, and inconvenience for residents, visitors, and staff.

6) The site does not conform with the current Local Plan 2013-2031. This proposed an allocation of just 50 new homes on this site. Sidmouth's need is for housing for families, at the affordable end of the market. In addition, this application does nothing to address the need for low cost accommodation for support staff.

Recent objections and negative feedback from the community highlighted additional concerns that should be addressed. Residents were in fear that the proposed development's scale and size would be detrimental to Sidmouth, leading to increased demands on essential services such as healthcare, emergency services, and carers. Suggestions, such as reserving a portion of the flats for carers/workers should be given serious consideration to ensure the development's sustainability and positive impact on the community.

Other objections noted a potential lack of light between the tall apartment blocks. This would reduce quality of life for its future residents. Environmental concerns included an apparent lack of provision for renewable energy and a proposal to include astro turf at the care home. The latter is unacceptable, leads to greater water run off, break down into microplastics and is likely to be banned in the forthcoming revision of the NPPF. Considering these collective concerns and objections, Members requested that the applicants reconsider and collaborate closely with the community to develop a revised proposal that addressed the issues comprehensively which would help to contribute to its long-term success and positive integration into the Sidmouth area.

### Parish/Town Council

#### OBJECT:

Despite the previous submissions, members felt it was essential to emphasise that Sidmouth Town Council's stance remained unchanged from our communication on April 3rd. All previous objections to the proposed development persist and were still applicable.

Of particular concern was the letter from the NHS supporting Dr. Stych from our Medical Centre, which underscored the fears surrounding the capacity of our current healthcare and support services to accommodate the influx of elderly residents that such a development would bring. The existing strain on healthcare resources in Sidmouth is already significant, and the addition of a large number of elderly residents would undoubtedly exacerbate this issue, leading to understandable apprehension among Sidmouth residents about the implications of such a substantial increase in demand.

Given these ongoing concerns and the consistent objections raised by the community and relevant authorities, it is imperative that the developers heed these warnings and reconsider the proposed development comprehensively. The well-being and quality of life of Sidmouth residents must be paramount in any decision-making process regarding such a significant project.

Members urge the local planning authority to take into account the genuine fears and reservations expressed by the Sidmouth community.

### Technical Consultations

#### County Highway Authority

##### 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. Therefore I believe considering 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.

Nevertheless, 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

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, though the final parking number is a policy for East Devon District Council (EDDC) to decipher, 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 will be pedestrian only with bollards adjacent to Heathers Cottage.

Overall the County Highway Authority (CHA) has no objections for this proposal, though we are concerned of the referenced use of Knowle Drive for access use to the site welfare and overflow personnel parking, it is imperative that Knowle Drive is not utilised for the re-development of this site in any form, due to the residential and unsuitability of Knowle Drive. Though this document is included in draft form, our concern it if approved, this document will become an approved document. Therefore our stance is once of refusal until this information can be rectified.

Recommendation:

THE DIRECTOR OF CLIMATE CHANGE, ENVIRONMENT AND TRANSPORT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, IS LIKELY TO RECOMMEND REFUSAL OF PLANNING PERMISSION, IN THE ABSENCE OF FURTHER INFORMATION

#### Contaminated Land Officer

I have considered the application and do not anticipate any concerns in relation to contaminated land.

#### DCC Flood Risk SuDS Consultation

Recommendation:

We have no comment 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 submitted covering letter mentioned that the current proposal removed the third floor level of projecting balconies on the western elevation of the Retirement Living block.

The other consideration is the treatment of the southern end of the site in terms of the elevation detail and materials.

The applicant have submitted the same drainage strategy information as per the previous application 23/0571/MFUL.

It is unclear as to whether the above two changes will have any impact on the drainage strategy. The applicant shall advise accordingly and submit the relevant information for review once the revised design is finalised.

#### DCC Historic Environment Officer

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

## EDDC District Ecologist

The application has been supported by a technical note from the project ecologist (Ecological Planning & Research Ltd) and lighting engineers (Stantec). The technical notes confirm that the design changes of the resubmitted scheme have no additional ecological impacts, mitigation, compensation, or enhancement requirements other than those considered for the former scheme under planning ref 23/0571/MFUL.

Should this application be approved conditions are suggested.

## Natural England

### 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).

DC/ DELREP4

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.

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.

#### Environmental Health

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

#### LPAE-Devon (Torbay+South Devon NHS Foundation Trust) Housing

The current proposal for a 70-bedded high dependency care home poses considerable challenge to the Sid Valley practice. I understand the practice has written to the Council so please take this as a supportive email as we encourage our practices to respond to such proposals as the providers of primary care.

The practice have seen, and is expected to see, a reduction in partners due to planned retirement. Recruitment across Devon remains an ongoing challenge and the addition of such a facility within their practice boundary is likely to further increase their challenge in recruiting practice staff.

High dependency beds will often require a higher level of primary care input and at this number will create a significant and ongoing 'ask' to their staff, potentially impacting on their ability to maintain services to their current patient population.

A smaller facility with a lower level of high dependency beds would likely be more manageable to the practices as the associated workload may be absorbed into their current staffing.

I would also ask that the level of need for any number of beds is discussed with local practices as the care needs of patients within such facilities can be varied and complex.

#### Environmental Health

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

#### Conservation

##### BRIEF DESCRIPTION OF HISTORIC CHARACTER/ ARCHITECTURAL MERIT:

See listing descriptions and information on file. There are 4 no. listed buildings and 2 no. listed structures in relatively close proximity to the site: Balfour Lodge, Claremont, Powys House, Spring Garden, the Grotto and the Summerhouse. Of these, the two most affected by the proposals are Balfour Lodge and the Summerhouse, both of which lie outside the boundary of the development site. All are listed Grade II.

The summerhouse was listed in 1974 at a time when the former Sidmouth Urban District Council occupied the building to the north and east, known as The Knowle. The summer house whilst being a relatively modest garden structure, nevertheless has attractive qualities in its use of flint and more particularly from the function that it served. While its date of construction is uncertain it is likely to date from either the early to mid-1800's when it appears to have represented a significant feature within the formal gardens associated with the main house.

The listing for the summerhouse states:

"Summerhouse in the grounds of Knowle, Sidmouth Urban District Offices SY 1287 1/16A II 2. Situated some 5 yards in front of the east wing of Knowle is a ruined and much overgrown Gothic summerhouse flint rubble and incorporating shell work. This and other garden features, Knowle Grange Flats Station Road may well be the work of Mr Fish. Curiosity value."

The significance of the summerhouse is derived from its historic use as an outbuilding to the house and its use as a place to enjoy the gardens and historically views across the town, out to sea and across the cliffs to the east of the town. The summerhouse retains its function as a seating area within the gardens with a bench now sited within the summerhouse and orientated, as is the whole summerhouse, to look southwards. While the original house has been changed over time, the summerhouse continues as a retained reminder of the formal gardens and of the former dwelling.

Historically the summerhouse would have been viewed in association with the original house, the original larger gardens which now comprises the properties on Knowle Drive and their gardens and it may well have been possible to view the grotto that is also listed and now sits within the grounds of the flats at Knowle Grange. Historic maps including OS maps clearly show the formal terraces and steps to the south of the main house and the network of formal paths.

The growth of trees within the parkland mean that the relationships between the different historic elements have changed and the summerhouse is now viewed in greater isolation. Views from the summerhouse would also historically have been quite far reaching and would have enabled views over the town, the sea and the coast line as well as the gardens themselves. The growth of the trees within the gardens means that views from the summerhouse today are limited to the area of the gardens to the south east of the summerhouse.

The Summerhouse still enjoys a relatively 'green' setting within the grounds of the previous Council offices, enclosed by mature vegetation and trees, reached by a network of footpaths and stone steps up to the Summerhouse itself. It is understood that the intention is for ownership to be passed to Sidmouth Town Council including responsibility for the upkeep and future maintenance of the Summerhouse.

Setting is not only about place and views, but includes the whole experience of an asset, be this sight, smells or even noise. The Summerhouse appears to have been originally designed as a specific decorative structure within the planned landscape to provide privacy as well as a quiet and pleasing space from which to look at the views beyond. Its interior 'incorporating shellwork' (see listing description above), would also have provided a sensory experience for those visiting the Summerhouse and such experiences are still relevant today.

The original setting of the summerhouse within the landscaped gardens has already been reduced. However, the setting of the listed building is of high importance to the way in which

the asset was designed to function historically and how it was and continues to be experienced within the grounds of The Knowle. There is still both an historic and visual link between the Summerhouse and The Knowle and this is identified not only in its physical separation, but also the original function and relationship of the Summerhouse to the terraces and associated spaces around it.

#### HOW WILL PROPOSED ALTERATIONS AFFECT HISTORIC CHARACTER OF BUILDING AND ITS SETTING:

The site currently has permission under 16/0872/MFUL for a broadly similar development to the current submission. Originally refused the planning application, was approved on appeal and planning permission duly granted.

A further application was subsequently refused under 23/0571/MFUL. The current application seeks to address the concerns raised and the reasons for refusal.

As previously considered in relation to the impact of the proposed development on the setting of the listed buildings, it is considered that this will be minimal with the exception of the Summerhouse and will not contribute to any further harm of these heritage assets, which are already enveloped within existing residential development. This application is for a revised scheme which may impact on the setting of the Summerhouse, see below:

In relation to the heritage assets, the amended plans refused under 23/0571/MFUL included the omission of 2no. chalet bungalows originally proposed to the south west of the Summerhouse, and the revised scheme pushed back away from the Summerhouse to be more in line with the Inspectors decision. This scheme retains these two amendments.

A detailed Heritage Statement has been submitted with the current application and has been revised (September 2023). In terms of the heritage impact assessment, it concludes on p35 that 'Given that the new scheme is on a significantly reduced overall scale in plan, elevation and massing, with a more traditional design, and a very similar separation distance (to address the Council's concerns) the conclusion is that the McCarthy Stone buildings also will not harm the Grade II listed summerhouse or its setting. Thus its special architectural and historic interest will be preserved'.

There is no reason to disagree with this conclusion which also re-iterates the Inspector's original decision (p.34) which concluded that there would be no harm to the significance of the heritage asset (the Summerhouse), 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 (a version of LB27N) and thought given to its future ownership, maintenance and interpretation within the parkland setting.

#### DCC Flood Risk SuDS Consultation

##### Recommendation:

We have no comment 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 submitted covering letter mentioned that the current proposal removed the third floor level of projecting balconies on the western elevation of the Retirement Living block.

The other consideration is the treatment of the southern end of the site in terms of the elevation detail and materials which will be finalised in a later stage.

The applicant have submitted the same drainage strategy information as per the previous application 23/0571/MFUL.

It is unclear as to whether the above two changes will have any impact on the drainage strategy. The applicant shall advise accordingly and submit the relevant information for review once the revised design is finalised.

#### Housing Strategy/Enabling Officer - Cassandra Harrison

The adopted East Devon Local Plan, Strategy 34, states the thresholds when affordable housing is required across the district. In Sidmouth developments of 10 dwellings or more are required to provide 50% on site affordable housing. Affordable housing can only be sought in relation to the C3 residential units and not the C2 elements.

On site affordable housing is not appropriate in this application due to the large areas of communal space including shared lounges and high services charges for grounds maintenance. We would therefore be seeking a financial contribution towards affordable housing provision. The amount I would be seeking is £1,859,840.00.

I understand that the applicant is claiming that Vacant Building Credit should be applied. Strategic Planning Committee (20 February 2017) resolved that Vacant Building Credit (VBC) will be considered on a case by case basis and that, other than in exceptional circumstances, the following criteria shall be applied:

- VBC will only be granted where it would help to secure the redevelopment of vacant brown-field land or buildings
- VBC will not be granted where land has been purchased for redevelopment and a 'vacant' period of time is a normal part of the development process
- VBC will not be applied when the 'vacant' period is a policy requirement for demonstrating the land is no longer required for its current use

The planning officer will make a decision on whether VBC should be applied in this case. If it is agreed that it should be applied then this will reduce the contribution amount.

The applicants have submitted a viability report claiming that the commuted sum payment would render the scheme unviable. The viability evidence will be independently reviewed and a recommendation made.

An overage clause will be sought in respect of future profits and affordable housing provision, where levels of affordable housing fall below policy targets.

Council Plan 2021 - 2023 - East Devon District Council wants to increase access to social and affordable homes and this is one of the Council's highest priorities.

#### South West Water

With reference to the planning application at the above address, the applicant/agent is advised to contact South West Water if they are unable to comply with our requirements as detailed below.

### Surface Water Services

The applicant should demonstrate to your LPA that its prospective surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable (with evidence that the Run-off Destination Hierarchy has been addressed, and reasoning as to why any preferred disposal route is not reasonably practicable):

1. Water re-use (smart water butts, rainwater harvesting, grey flushing toilets)
2. Discharge into the ground (infiltration); or where not reasonably practicable,
3. Discharge to a surface waterbody; or where not reasonably practicable,
4. Discharge to a surface water sewer, highway drain, or another drainage system; or where not reasonably practicable,
5. Discharge to a combined sewer. (Subject to Sewerage Undertaker carrying out capacity evaluation)

Having reviewed the current information for the proposed surface water disposal for this development (domestic roof and driveway run off only) Please note that discharging to the public surface water sewerage network meets with the Run-off Destination Hierarchy. However before South West Water can approve this method of discharge we will require clear evidence to demonstrate why the other higher methods listed within the Run-off Destination Hierarchy have been discounted by the applicant.

For Highway run off please contact the Highway Authority to agree disposal method. South West Water response relates to surface water discharge to our network, where the discharge is from buildings and yards belonging to buildings. Where the applicant has highlighted that the surface water does not connect to South West Water network, we are not commenting on this as it is not our responsibility.

South West Water has no duty to accept land drainage runoff, flows from natural watercourses or groundwater to the public sewer system, and this is not permitted to discharge to the South West Water network. The applicant should make alternative arrangements to deal with this separately during the development and once the construction work is complete.

South West Water are not responsible for Highway Drainage and our comments do not relate to accepting any of these flows. The applicant should discuss and agree with the Highway Authority, where the highway water connects to.

If the applicant wishes to connect this to South West Water network, then they should engage with us separately to see if we can accommodate this. No highway drainage will be permitted to be discharged to SWW foul or combined public sewer network either directly or indirectly.

If the applicant is looking to get their sewers adopted (surface and foul), then they should design and construction the sewers to the current version of the Design and Construction Guidance. The process for doing this can be found on South West Water's website at [Adoption of new sewers | Building & Development | South West Water](#)

### Clean Potable Water



To supply this development South West Water will require a new 125mm HPPE water main along Knowle Drive, and this upgrade to the water distribution system could take up to 12 months to deliver once the development begins if approved.

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.

#### Foul Sewerage Services

South West Water is satisfied that the local sewerage network downstream from this development will not need further network reinforcement. 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.

The site will be included in any future investigation in spill performance at storm overflows within the catchment so that the possible increase in flow can be accommodated without having a negative impact."

The applicant can apply to South West Water for clarification of the point of connection for either clean potable water services and/or foul sewerage services. For more information and to download the application form, please visit our website:

#### Royal Society For The Protection Of Birds

We are pleased to see that the developer's Ecologists recommends;

"In addition, forty integral bird boxes/bricks will be provided across the whole site, in addition to 7 boxes on the houses/townhouses. Following RSPB guidance, the use of swift/universal boxes is recommended due to their universal adoption by building dependent species. These will be installed in clusters of 3-4 with each box being at least one metre apart. Where possible, the majority will be located on principally east facing elevations in sheltered locations avoiding close proximity to doors and windows."

In our opinion the number of boxes considering the mass of the building and the number of residential units does not meet the criteria of BS42021:2022 and we would recommend they should be increased to forty eight in the main building and twelve in the houses/town houses.

We would also recommend that a Bird Box Plan complying with;

Section 9.2 of BS42021:2022 relating to:

Integral nest boxes - installation plan Details for the selection, siting, positioning and installation of integral nest boxes shall be prepared and submitted to the local planning authority, to include:

- a) the total number of integral nest boxes to be installed on site;
- b) a list of recommended integral nest boxes selected for installation, i.e. manufacturer(s) and model(s) along with illustrations, where available;

is submitted and made a condition of the consent if granted.

### Police Crime Prevention Officer

Thank you on behalf of Devon and Cornwall Police for requesting consultation on the above application. From a designing out crime, fear of crime and anti-social behaviour perspective please find my advice and recommendations below.

Having reviewed the amended documents my original response is still largely relevant and to save duplication I have attached it to the email submission.

It is noted that the two chalets at the south of the development are being removed to allow for extra parking. I would like to point out that this will reduce the natural surveillance from active rooms onto the two parking courts at the south of the development. Where parking courts lack surveillance, this can increase the potential risk of crime and anti-social behaviour taking place in these areas, especially with the access from the footpath. Whilst it is appreciated that the retirement living building will provide some natural surveillance it is likely to be impeded by the canopy from the tree. This must be well maintained with no foliage, shoots or lower branches below 2 metres.

With the proposed lighting in the new parking court continuing with the bollard lighting strategy deployed for the majority of the site as previously mentioned the use of bollard lighting does cause a concern as this should only be considered for wayfinding and never for security or safety reasons, as the lighting levels from this type of light are normally too low to aid facial recognition. Also, the light from bollard lighting can be easily obstructed by parked vehicles and landscaping for example. Whilst it is appreciated the lighting is to protect the ecology, however areas which appear dark, lighting uneven, etc can increase the fear of crime for people.

I would politely request that a solution is sought to improve the surveillance into the area in the interest of preventing crime, disorder and the fear of crime.

### EDDC Landscape Architect

Having reviewed the details submitted with the above application I note that there are no changes to overall scale, appearance and extent of buildings and associated landscape proposals from the previous application ref. 23/0571/MFUL. The proposal is considered acceptable in terms of landscape and visual impact subject to conditions.

## **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**

##### **Technical consultations**

##### **Other Representations**

39 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 and public amenity – overlooking of neighbouring residential properties and over dominant. Overlooking of surrounding parkland to a harmful degree.
- Lack of public amenities offered.
- Missing viewpoints within LVIA and D&A
- Misrepresentation of trees (and their growth) within visual representation.
- Trees not plotted correctly.
- 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.
- Significant impact and stress on local services i.e. Doctor surgery which have low staff numbers, recruitment issues and infrastructure.
- Design of development – poor character, inappropriate design and massing.
- Gross over development of the site – Local Plan only allocated 50 units on this 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.

2 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**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
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
23/0571/MFUL	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	Refused	02.02.2024

### 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 30<sup>th</sup> 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.

In light of the previous refusal it is pertinent to point out the surrounding neighbouring properties. To the West of the application site are the properties along Knowle Drive.

### 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 (total of 4 units) and a terrace of 3 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. This would feature 29 dedicated car parking spaces.

Along with accesses, internal car parking, roads, paths, retaining walls, refuse and landscaping associated with development; erection of habitat building and sub-stations. Aside from the 29 C2 dedicated car parking spaces there is 73 car parking spaces proposed to serve the rest of the development equalling a total of 102 spaces to serve the development overall.

In total 40 C3 dwellinghouses are sought.

'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.

This planning application has amended the previously refused scheme (23/0571/MFUL) in an effort to overcome the previous reasons for refusal which stated;

1. The scale, massing and design of the development, in particular the two blocks closest to the southern site boundary, fails to reflect local distinctiveness and is not compatible with the character of the site and does not relate well to its context and its surroundings and so will adversely affect the townscape and local landscape of Sidmouth. As such the development is contrary to Strategies 6 and 26 and Policy D1 of the East Devon Local Plan 2013-2031, Policy 7 of the Sid Valley Neighbourhood Plan, 2018-2032 and the National Planning Policy Framework, 2023 in particular paragraphs 131, 135 and 139
2. Having regard to the provision of large windows and balconies in the west elevation of the southwestern block of accommodation and the building's scale and orientation, the development will result in an unacceptable level of overlooking and overbearing impact on neighbouring properties. As such the development is contrary to Policy D1 of the East Devon Local Plan 2013-2031, Policy 6 of the Syd Valley Neighbourhood Plan, 2018 - 2032 and the National Planning Policy Framework in particular paragraph 135.

To address the reasons above the proposal seeks to vary the previous refusal with the removal of balconies and elevational changes to west elevation of Retirement Living block, and alterations to the southern end/elevations of the Retirement Living and Extra Care buildings.

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 as there is a greater than theoretical possibility this could be implemented. 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. Amenity
4. Balanced communities
5. The Effect on Heritage Assets
6. The Effect on Trees
7. The Effect on Surface Water and Foul Water Drainage

8. The Effect on Ecology
9. The Effect on Highways and the Provision of Parking
10. Mitigating the Impact of the Development on Infrastructure
11. Contaminated Land and Demolition Phase
12. 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 this 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 20<sup>th</sup> 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 amended 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.

There has been an addendum and update to the Design and Access Statement and visual representation. There has been objection that previous vantage points (P1, P2 and P4) are not shown within this additional information. However, as the latest revisions alter, in the main, the south and west elevation of the two main blocks the views from these three vantage points would not necessarily aid a visual assessment as the design changes would not be prominent, either obscured by the rest of the built form or at an angle which would not necessarily highlight these changes. Their omission from the amended documents is not fatal to the assessment in this regard. The views submitted provide suitable context.

As before 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.

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

In terms of design amendments now proposed 'the terrace' area is the most impacted as a result of these.

With regards to reason 1 the design has been altered.

Summary of Changes in Retirement Living (RL) block:

- Larger windows opening towards sea with subdividing panes.
- Simplification of roofscape in RL with omission of central gables.
- Repositioning and redesign of chimney elements
- Fascia and window frames from anthracite to white.
- Balustrade material has changed from glass to metalwork
  - Asymmetric pergola/dressed balcony arrangement.

Summary of Changes in Retirement Living Plus (RLP) block:

- Larger windows opening towards sea with subdividing panes.
- Internal layout of southern flats mirrored to create opportunity for double aspect living room towards the courtyard.
- Introduction of hip to RLP roof to reduce perceived massing both towards the central courtyard and the parkland to the East.
- Asymmetric roof arrangement with gables to one side subordinated to main roof, contributing to create the impression of the roof stepping up with the topography.
- Dormer elements to include recessed balconies.
- Asymmetric pergola/dressed balcony arrangement.
- Fascia and window frames from anthracite to white.
- Render to brick ratio simplified.
- Balustrade material has changed from glass to metalwork.

Summary changes to central Link;

- Brick frame introduced to echo regency layering of elements.

With regards to the reason 2 the west elevation of the southwestern blocks of accommodation has been changed to remove some of the balconies (this is addressed further within the amenity section of this report).



South Elevation Proposed Re-design



South Elevation Refused Scheme

The amended façades now feature more depth and variation, with the balconies and differing materials adding visual interest. The different texture of materials and lighter coloured elements creates a less monotonous appearance. In turn this variation and mix make the buildings feel less institutional. There is more balance with the vertical and horizontal elements, emphasised by the changes in materials and placement of fenestration. Distinction between floors is now more evident. Balconies are more pronounced and integrated adding texture to the facades. The roofline is now more varied with different heights, angles adding interest with the interplay of these.

The half hipped ends reduce the massing impact of the roof. The larger, more pronounced, dormer windows, with the bottom of the cills at eaves level, break up the roofline adding complexity and interest to the roof form.

Two rectangle shaped blocks of accommodation would still 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.

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 within the site 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.

### **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 impacted upon 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 to the north on Knowle Drive. 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.

The properties of Chestnuts, Cotsworld, Knowle House, Westgate and Southgate are positioned to the west at a lower level than the area of the proposed siting of the two main buildings.

Whilst the ends of these adjacent gardens are situated relatively close to this block of accommodation the neighbouring dwellinghouses themselves are approximately in excess of 40 metres away from the proposed buildings. At these distances, whilst it is a balanced consideration, unacceptable harmful levels of overlooking are not likely to occur. There is no set distance in terms of policy or guidance to establish whether harmful levels of overlooking occur. Often a separation distance of 21.5 metres is relied upon but this is more reflective of an industry standard, rather than routed in policy. Different situations are dependent on their own circumstance. Further, whilst it is often the case that overlooking can occur it is whether *harmful* levels of overlooking would occur to the detriment of one's privacy. Within built up areas it is normal for some level of overlooking to occur between neighbours.

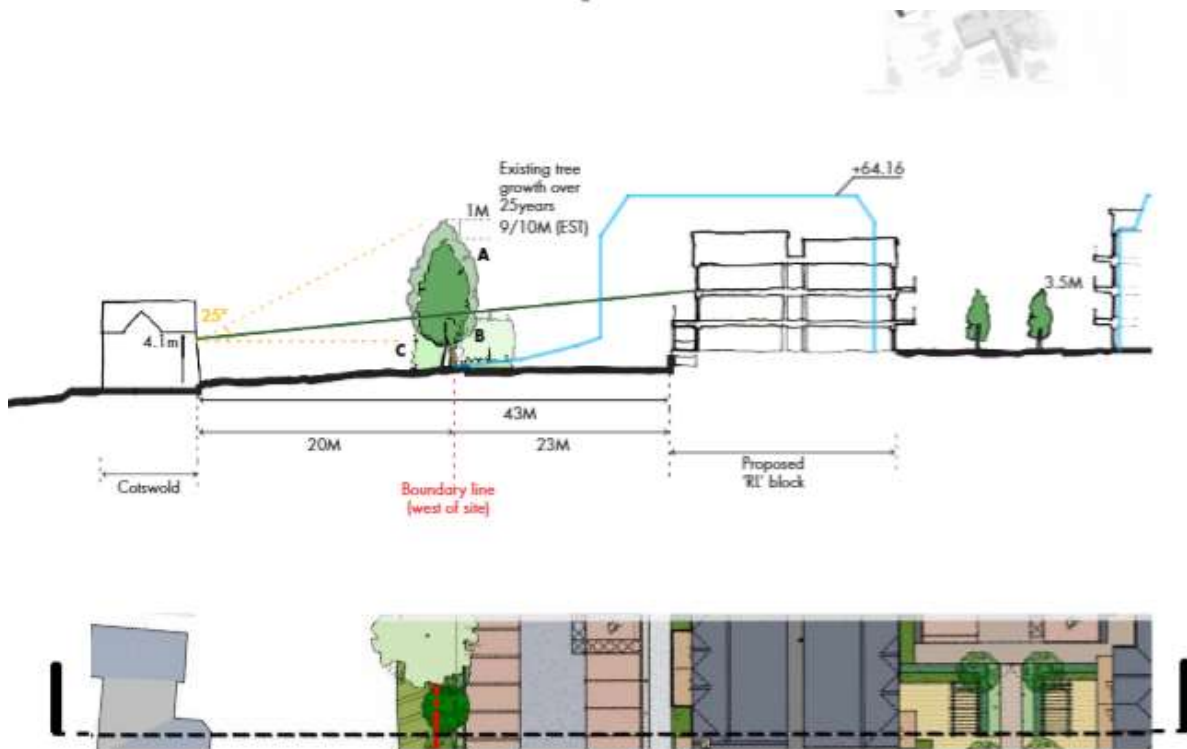
The balconies and windows on the south and west facing face of the western most block provide views to the west. In response to the previously refused scheme a number of the balconys were removed from this west facing elevation.



West Elevation Proposed Re-design



West Elevation Refused Scheme



The section above illustrates a sectional drawing of the proposed relationship with the adjacent property known as 'Cotswold'. The blue line represents the envelope of previously approved block at appeal (although does not show its orientation). The above demonstrates the intervening distance (wall to wall of 43 metres) and illustrates the tree line acting as a screen. It should be noted that the large tree within the above section marked 'A' cannot be clearly identified. There is presently a row of high and mid canopy trees in this along this boundary.

In terms of boundary management going forward should this gain consent, T76 (Eucalyptus) and T75 (Lawson Cypress) would be removed as a result of the development. A Noble Fir (T79) has consent to be felled under ref; 22/2495/TRE. To be retained along this western boundary is T77 and T78 (Lawsons Cypress).

Relying on vegetation/trees for privacy screening can be problematic as hypothetically a tree could be felled in one day yet take years to grow back in order to provide suitable screening – meanwhile an overlooking harm could persist in the interim. Therefore, very limited weight is given to screening from the proposed boundary treatment.

Rather than wall to wall measurement simply being of primary importance it is more pertinent to look at the context of the relationship. Rear gardens, especially close to a dwellinghouse, should be considered private given that is where an occupier could reasonably consider to enjoy without harmful overlooking occurring. The gardens of the properties to the west have varying lengths around 22m-28m and the eastern end of these gardens, closer to the application site, would not necessarily expect the same levels of privacy as the areas close to the dwellings. Even discounting the tree line there is an approximate distance of 23m from the Retirement Living block and the mutual boundary line. Given the sheer distances involved from the proposed retirement block to an area of the garden around the dwellinghouses, which could be considered private, harmful levels of overlooking would be avoided. Therefore, it is advised that the proposal would be compliant with policy D1 in this respect.

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 these do not give rise to unacceptable levels of overlooking.

Concern has been raised by consultees with regards to the overlooking of the public garden area, notably the area around the care home and the area immediate south of the proposed terrace area buildings. However, these are not 'private' areas as such. Therefore, in this regard there is no private amenity of occupiers to protect as such. Being in the public realm and considering that offices use operated from the site giving rise to similar impacts, refusal on this ground would be unreasonable.

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.

### Balanced Communities

Strategy 4 of the local plan seeks to match between jobs, homes, education, and social and community facilities. Ideally these should complement the range of ages of the resident population and have appropriate access for those with disabilities. This strategy establishes the key components for achieving this as securing employment provision, securing social, educational, green infrastructure and health and community facilities and getting more age-balanced communities. It states that many East Devon communities have an overtly aged population profile - 'Where this is the case we will encourage residential development that will be suited to or provide for younger people and younger families'. That is not the same as stating accommodation to cater for the older population, or those with specific needs – dementia for example – should not be provided for.

The National Planning Policy Guidance (PPG) states that 'The need to provide housing for older people is critical. People are living longer lives and the proportion of older people in the population is increasing. In mid-2016 there were 1.6 million people aged 85 and over; by mid-2041 this is projected to double to 3.2 million. Offering older people a better choice of accommodation to suit their changing needs can help them live independently for longer, feel more connected to their communities and help reduce costs to the social care and health systems'. Further that 'The National Planning Policy Framework glossary provides definitions of older people and people with disabilities for planning purposes, which recognises the diverse range of needs that exist. The health and lifestyles of older people will differ greatly, as will their housing needs, which can range from accessible and adaptable general needs housing to specialist housing with high levels of care and support.

The East Devon Local Housing Needs Assessment (2022) forecasts (if current patterns were to continue) a wide range of between 1,630 and 6224 housing units (sheltered and extra care housing of both owned and rented tenures) needed to meet demand for specialist housing for older people in the plan period (2020 - 2040). The report identifies a wide range of between 1,630 and 6,224 dwellings of housing need for specialist older person additional dwellings in East Devon over the 20 year period. The report explains that the upper figure is the modelled figure of need and is based on idealised outcomes. The NPPF advises that 'where there is an identified unmet need for specialist housing, local authorities should take a positive approach to schemes that propose to address this need'.

An extension to this age related issue is the pressure that could face the local doctors surgery and associated infrastructure. The Sid Valley practice has written to object to this proposal with particular concern over the 70 bed high-dependency care home. The practice is short of doctors and is struggling to recruit and so it is reported that there are already capacity issues resulting in a struggling service.

The correspondence from the Sid Valley Practice explicitly refers to recruitment problems that they have due to retirement of partners, but this is not something that the planning system can necessarily address. It would be unreasonable to refuse planning permission or seek amendments because of a short-term staffing issue at the local GP practice. By the time the development is built to completion this recruitment issue may well be addressed or could be addressed through locums or other short term intermediary measures.

EDDC have considered issues around capacity at GP practices in the past and sought funding to help deliver additional consulting rooms, but it would be for such services to bid for available monies through CIL. Fundamentally, the issue is not one of infrastructure and so is not an element for this planning application to remedy.

It is material that a care home already benefits from an extant consent. Given the uplift in the value of land from car parking to a care home it is reasonable to assume that this would still take place. The extant planning permission is wholly for C2 use totalling 115 units which, if constructed, would exceed the number of 53 C2 units proposed under this current scheme.

Further, it is recognised that as a settlement Sidmouth has one of the most aged populations in the country. Therefore, it could be argued that such residential homes provision meets an existing demand thereby providing for this element of the community. The applicant has also expressed the view that in providing a safe care centred environment for the elderly could reduce demand on health and social services as they are specifically catered for with elements of supervision. Additionally, in providing accommodation for the higher age range this could be seen to free up the housing market of housing stock to the younger population – thereby meeting the needs of communities in that respect.



For a conflict with strategy 4 to be relied upon there should be identified harm and there is no cogent evidence that it would be this development, alone or cumulatively, tips Sidmouth into not having a balanced community. Taking into account the reasons above it is not considered that this proposal would be in conflict with the aims of Strategy 4 of the local plan.

### ***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;

- (a) 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 the Jewson site in Exmouth.

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 and this was independently discussed 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 Planning Permission 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' products are decidedly different. These operators have little to no interest in building the type of accommodation accordance with the extant planning consent. That issue aside the proposal now includes a significant proportion of C3 use and units that was not part of that extant planning consent and for these purposes represents a material difference to the effect that it does not represent the same, or substantially the same, development for VBC purposes.

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

### ***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 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 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 Asset***

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 the previous 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.

The scheme has been pushed back away from the listed 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.

Although there have been design revisions to the two blocks facing this heritage asset these do not alter the above considerations to the effect that it would result in a harmful impact. No objection has been raised by the conservation officer in this regard.

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 are 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 plateau 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 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) 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 previously 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 440m<sup>3</sup> is required and this would be situated under a car parking area. It is proposed to discharge the flow into South West Water (SWW) surface water network at Knowle Drive before discharging into the watercourse.

The drainage strategy suggest that this can 'comfortably' take the 8.8l/s peak flow from the McCarthy and Stone Site. However, it would appear that there is no data submitted with regards to the existing flows into this discharge point or what occurs during storm events.

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 have previously considered 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.

Foul Water - Again 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 taking into account the evidence of infiltration rates and proposed methods of drainage the evidence submitted with this planning application demonstrates that the connections satisfy the drainage hierarchy requirements meaning that this represents an appropriate method of drainage. The scope of the suggested SUDs condition does provide some flexibility in the applicant's approach. Should the surface water drainage not be able to use the purpose surface water drainage in Knowle Drive and that this is ruled out then the option remains for details to be submitted to drain into the existing combined sewer as an alternative. As the combined flows would be a betterment, compared to when the site was used as the council offices and compared to the extant planning consent, this approach is reasonable.

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 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. It has been clarified by the applicants ecologist that

the amended scheme, with the altered design, would not result in a more harmful impact than previously considered.

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. The applicant's ecologist has reviewed the information in light of the most recent design changes.

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 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 cm<sup>2</sup>, 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 of 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 detailing 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. A shadow HRA, as described within the Beer Quarry and Caves Special Area of Conservation guidance (October 2022) has been submitted for our assessment. Natural England have been sent a copy of this but at the time of writing have not responded. Members will be verbally updated on this matter. 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. It is recommend the provision of a Construction and Environment Management Plan (CEMP) to mitigate the effect of construction upon the local highway network.

The County Highway Authority (CHA) has raised concern with regards to the transport statement which suggest that once operational access from Knowle Drive would be needed for welfare access and parking. The CHA have made it clear that this would be unacceptable.

Therefore, conditions 18 and 19 have been constructed to the effect that this would ensure that this access would not occur, but still ensure that the rest of the transport statement shall be adhered to.

The re-alignment of the internal access road, has had renewed fire and refuse vehicle swept path plans produced, showing successful manoeuvre.

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

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.

#### ***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 maybe 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 from the amended design.

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 effort to provide for bats with specific buildings dedicated 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. It is intended that 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.

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, and any subsequently agreed landscaping details under a discharge of condition 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.

The development shall be carried out in accordance with these agreed details and be retained as such for the lifetime of the development.

(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. Notwithstanding the requirements of the above condition (18) the development shall be carried out in accordance with 'The Travel Plan submitted 7<sup>th</sup> Feb 2024' ref; 20142-FTP-05 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). Should the principles of this drainage report not be feasible an alternative method of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority, in consultation with South West Water and the Lead Flood Authority.
- (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 any 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) based on the submitted Ecological Appraisal (Devon Wildlife Consultants, 2023) has been submitted to and approved in writing by the Local Planning Authority which should include the following details:

- The location and design of biodiversity features including bird boxes (at a ratio of 1 per unit), bat boxes, and other features clearly to be shown on submitted plans.
  - a) Description and evaluation of features to be managed.
  - b) Ecological trends and constraints on site that might influence management.
  - c) Aims and objectives of management.
  - d) Appropriate management options for achieving aims and objectives.
  - e) Prescriptions for management actions.
  - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a minimum 30-year period).
  - g) Details of the body or organization responsible for implementation of the plan.
  - h) Ongoing monitoring and remedial measures.
- 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.

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

(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:

1838-KC-XX- YTREE-TPP01 REV C	Tree Protection Plan	07.02.24
20-098-110 REV B	Proposed Site Plan	07.02.24
20-098-115 REV A : PROPOSED BOUNDARY TREATMENT PLAN 1 OF 2	Landscaping	07.02.24
20-098-115 REV C 1 OF 2 : PROPOSED	Landscaping	07.02.24

BOUNDARY  
TREATMENT

20-098-116 REV A : PROPOSED BOUNDARY TREATMENT PLAN 2 OF 2	Landscaping	07.02.24
20-098-116 REV C 2 OF 2 : PROPOSED BOUNDARY TREATMENT	Landscaping	07.02.24
20-098-120 REV H : LOWER GROUND	Proposed Floor Plans	07.02.24
20-098-121 REV H : GROUND	Proposed Floor Plans	07.02.24
20-098-122 REV H : FIRST	Proposed Floor Plans	07.02.24
20-098-123 REV H : SECOND	Proposed Floor Plans	07.02.24
20-098-124 REV D	Proposed roof plans	07.02.24
20-098-150 REV C : SHEET 1	Proposed Elevation	07.02.24
20-098-152 REV C : SHEET 3	Proposed Elevation	07.02.24
20-098-153 : SHEET 4	Proposed Elevation	07.02.24
20-098-154 REV C : SHEET 5	Proposed Elevation	07.02.24
20-098-165 REV C	Sections	07.02.24
20-098-166 REV C : SHEET 2	Sections	07.02.24
20-098-167 B : PROPOSED	Sections	07.02.24
20-098-151 C : SHEET 2	Proposed Elevation	07.02.24
AC-0000-A	Location Plan	07.02.24



AC-0021 A : CONSTRAINTS	Other Plans	07.02.24
AC-1170-D : SPLIT LEVEL TOWN HOUSE	Proposed Floor Plans	07.02.24
AC-1400-D : HOUSE	Proposed Floor Plans	07.02.24
AC-1600-B : BUILDING B	Existing Combined Plans	07.02.24
AC-2201-E : RLP S/W	Proposed Elevation	07.02.24
AC-2300-E : HOUSE	Proposed Combined Plans	07.02.24
AC-2510-E : BUILDING B	Proposed Elevation	07.02.24
AC-2520 : EXISTING BUILDING	Existing Elevation	07.02.24
AC-2600-D : BAT BUILDING	Proposed Elevation	07.02.24
AC-SK014 : RETAINING WALL	Other Plans	07.02.24
APPENDIX B : SWEPT PATH ANALYSIS	Other Plans	07.02.24
LA-9800-E : SOFT LANDSCAPE AREA 1	Landscaping	07.02.24
LA-9801-E : SOFT LANDSCAPE AREA 2	Landscaping	07.02.24
LA-9802-E : SOFT LANDSCAPE AREA 3	Landscaping	07.02.24
LA09502-F : BOUNDARY TREATMENT AREA 3	Landscaping	07.02.24

LN-LP-01 FIGURE 1 : SITE CONTEXT PLAN	Landscaping	07.02.24
LN-LP-02 FIGURE 2 : TOPOGRAPHICA L FEATURES PLAN	Landscaping	07.02.24
LN-LP-03 FIGURE 3 : LANDSCAPE CHARACTER PLAN	Landscaping	07.02.24
LN-LP-04 FIGURE 4 : SITE APPRAISAL PLAN	Other Plans	07.02.24
LN-LP-05 FIGURE 5 : VISUAL APPRAISAL PLAN	Other Plans	07.02.24
REV 03 : EXTERNAL LIGHTING STRATEGY	Other Plans	07.02.24
SK-C-002 REV P10 : SITE LEVELS PLAN - PROPOSED	Other Plans	07.02.24
SK-C-001 REV P3 : DRAINAGE STRATEGY	Drainage report	07.02.24
SK-C-001 REV P6 : DRAINAGE STRATEGY	Drainage report	07.02.24
AC-1621 : FIRST EXISTING BUILDING	Existing Floor Plans	07.02.24
AC-1601-C : EXISTING DEMOLITION PLAN - BUILDING B	Other Plans	07.02.24
AC-1610-E : BUILDING B	Proposed Floor Plans	07.02.24

AC-1620 : GROUND EXISTING BUILDING	Existing Floor Plans	07.02.24
AC-1622 : SECOND EXISTING BUILDING	Existing Floor Plans	07.02.24
AC-1700-C : BAT BUILDING	Proposed Combined Plans	07.02.24
AC-2005-D : SPLIT LEVEL TOWNHOUSE	Proposed Elevation	07.02.24
AC-1200 H : RL lower ground	Proposed Floor Plans	11.03.24
AC-0002 F	Proposed Site Plan	11.03.24
AC-0003 C : site masterplan	Proposed Site Plan	11.03.24
AC-0013 C : comparison existing	Proposed Site Plan	11.03.24
AC-0014 C : comparison consented	Proposed Site Plan	11.03.24
AC-1201 G : RL ground floor	Proposed Floor Plans	11.03.24
AC-1202 H : RL first floor	Proposed Floor Plans	11.03.24
AC-1203 H : RL second floor	Proposed Floor Plans	11.03.24
AC-1204 G	Proposed roof plans	11.03.24
AC-1500 B : planning comparison	Proposed Site Plan	11.03.24
AC-1300 H : RLP lower ground	Proposed Floor Plans	11.03.24
AC-1301 H : RLP ground	Proposed Floor Plans	11.03.24

AC-1302 G : RLP first	Proposed Floor Plans	11.03.24
AC-1303 G : RLP second	Proposed Floor Plans	11.03.24
AC-1304 G : RLP third	Proposed Floor Plans	11.03.24
AC-1305 F : RLP	Proposed roof plans	11.03.24
AC-2100 G : N/E	Proposed Elevation	11.03.24
AC-2101 G : S/W	Proposed Elevation	11.03.24
AC-2200 G : N/E	Proposed Elevation	11.03.24
AC-2201 F : S/W	Proposed Elevation	11.03.24
AC-3100 E : RL typical	Sections	11.03.24
AC-3200 D : RLP typical	Sections	11.03.24
AC-3530 E : proposed context sections	Sections	11.03.24
LA-0002 H : masterplan	Landscaping	11.03.24
LA-1000 H : general arrangement area 1	Landscaping	11.03.24
LA-1001 H : general arrangement area 2	Landscaping	11.03.24
LA-1002 H : general arrangement area 3	Landscaping	11.03.24
LA-9900 D : typical details 1 of 2	Other Plans	11.03.24
LA-9901 D : typical details 2 of 2	Other Plans	11.03.24
LA-9903 A : typical threshold details	Other Plans	11.03.24

LA-9810 C : soft	Landscaping	11.03.24
LA-9820 D : soft landscape schedule	Landscaping	11.03.24
LA-9502 F : boundary treatment area 3	Landscaping	11.03.24
LA-9010 C : tree retention/removal	Landscaping	11.03.24
LA-9500 F : boundary treatment area 1	Landscaping	11.03.24
LA-9501 F : boundary treatment area 2	Landscaping	11.03.24
LA-9700 E : hard landscape area 1	Landscaping	11.03.24
LA-9701 E : hard landscape area 1	Landscaping	11.03.24
LA-9702 F : hard landscape area 3	Landscaping	11.03.24

## **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.



<b>APPENDIX 1 - The Conservation of Habitats and Species Regulations 2017 – Shadow HRA Template</b>  <b>Regulation 63 – Habitats Regulations Assessment</b>	<b>East Devon District Council</b>
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**Stage 1: Screening for Likely Significant Effect on the Beer Quarry and Caves SAC**

**Part A: The proposal**

<b>1. Type of permission/activity:</b>	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)
<b>2. Application reference no:</b>	24/0563/MFUL
<b>3. Site address: Grid reference:</b>	Former Council Offices, Knowle, Sidmouth, EX10 8HL SY 120 879
<b>4. Brief description of proposal:</b>	<ul style="list-style-type: none"> <li>• <b>Type of development</b>  Care home facility, extra care apartments, retirement living houses, townhouses and associated infrastructure.</li> <li>• <b>Distance to the European site</b>  9.3km</li> <li>• <b>Is the proposal site within a consultation zone (landscape connectivity, core sustenance, pinch point, hibernation sustenance zone)</b>  Lesser horseshoe bat landscape connectivity zone (LCZ)  Greater horseshoe bat LCZ  Bechstein’s bat LCZ</li> <li>• <b>Size</b>  Approximately 1.8ha</li> <li>• <b>Current land use (habitat type and immediately adjacent habitat types)</b>  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.</li> <li>• <b>Timescale</b>  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 2025</li> </ul>

	<p>Construction to start April 2026  Completion and site handover by May 2027</p>
	<ul style="list-style-type: none"> <li>• <b>Working methods</b></li> </ul> <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>
<p>5. European site name</p>	<p>Beer Quarry and Caves SAC (BQ&amp;CSAC) – SAC EU Code UK0012585.</p>



<p><b>6. Qualifying Features and Conservation Objectives:</b></p> <p>Ecological characteristics associated with the features (including those associated with the site, and information on general trends, issues or sensitivities associated with the features if available).</p>	<p><b>Annex II species that are a primary reason for selection of this site</b></p> <ul style="list-style-type: none"> <li>• 1323 – Bechstein’s bat (<i>Myotis bechsteini</i>). A complex of abandoned mines in south-west England is regularly used as a hibernation site by small numbers of Bechstein’s bat as well as an important assemblage of other bat species.</li> </ul> <p><b>Annex II species present as a qualifying feature, but not a primary reason for site selection</b></p> <ul style="list-style-type: none"> <li>• 1303 – Lesser horseshoe bat (<i>Rhinolophus hipposideros</i>)</li> <li>• 1304 – Greater horseshoe bat (<i>Rhinolophus ferrumequinum</i>)</li> </ul> <p><b>Conservation Objectives</b> (Natural England 27/11/2018):  <i>“With regard to the SAC and the natural habitats and/or species for which the site has been designated (the ‘Qualifying Features’ listed below), and subject to natural change;</i></p> <p><i>Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;</i></p> <ul style="list-style-type: none"> <li>• <i>The extent and distribution of qualifying natural habitats and habitats of qualifying species</i></li> <li>• <i>The structure and function (including typical species) of qualifying natural habitats</i></li> <li>• <i>The structure and function of the habitats of qualifying species</i></li> <li>• <i>The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely</i></li> <li>• <i>The populations of qualifying species, and,</i></li> <li>• <i>The distribution of qualifying species within the site.</i></li> </ul> <p><i>These Conservation Objectives should be read in conjunction with the accompanying Supplementary Advice document (where available), which provides more detailed advice and information to enable the application and achievement of the Objectives set out above.”</i></p> <p>The designated area of the SAC is relatively small and comprises the quarry and caves and the immediately surrounding areas. However, the qualifying features (the bat populations) are dependent upon a much wider area outside the SAC boundary which provides foraging habitat and commuting routes and supports other critical roosts. Protection of key areas of habitat in the area is therefore essential in order to maintain and enhance the favourable conservation status of the qualifying features.</p>
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<p><b>7. Ecological survey</b> Summary of effort and findings</p>	<p><b>Name of documents containing ecological survey information:</b></p> <p>The bat roosts within The Knowle have been extensively surveyed and monitored between 2012-2023. Various survey methodologies have been utilised to monitor the bat populations including internal inspections and counts, emergence surveys, re-entry surveys and remote detector surveys.</p> <p>DWC (2023) Report No. 22/3942.02 Ecological Appraisal – The Knowle, Sidmouth. DWC, Exeter.</p> <p>EPR (2023) Bat Ecological Impact Assessment – The Knowle, Sidmouth. EPR, Winchester.</p> <p>EPR (2023) Bat Ecological Impact Assessment Addendum – The Knowle, Sidmouth. EPR, Winchester</p> <p><b>Summary of survey effort (no. transects, static detector deployments and bat emergence surveys, if applicable):</b></p> <table border="1" data-bbox="391 1989 1508 2092"> <thead> <tr> <th>Date</th> <th>Survey Type</th> <th>Areas/Buildings Surveyed</th> <th>Surveyors</th> <th>No. Surveyors</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	Date	Survey Type	Areas/Buildings Surveyed	Surveyors	No. Surveyors					
Date	Survey Type	Areas/Buildings Surveyed	Surveyors	No. Surveyors							

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)	25	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.

**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

<p><b>9.</b> What BQ&amp;CSAC consultation zones is the proposal within (insert "X")?</p> <p><i>Refer to the Beer Quarry and Caves SAC Habitats Regulations Assessment Guidance document and online mapping</i></p>	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 absence of mitigation measures.

Consider scale, extent, timing, duration, reversibility and likelihood of the potential effects.

*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*

**If the proposal is located in a Landscape Connectivity Zone (LCZ) ONLY, then the only impact to**

**A – Landscape (large) scale connectivity impacts**

Greater horseshoe and Bechstein's bats  
 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.**

Lesser horseshoe bats (LHB)  
 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).



result in an LSE is “A – Landscape scale connectivity impacts”.

*Consider construction phase and operational phase. For some proposals, it may also be necessary to consider de-commissioning and after-use.*

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.

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.

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.

**Construction Phase**

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.

**A change in lighting is considered the only possible LSE to LHS bats in the absence of mitigation.**

<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><b>There will be no direct impacts on the SAC roost or other key roosts. No LSE is predicted.</b></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><b>There will no change in habitat quality or composition on site that will have any significant impact on LHS bats. No LSE is predicted.</b></p>
<p><i>D - Severance or disturbance of linear features used for navigating or commuting</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. <b>There will be no severance or disturbance of linear features used for navigating or commuting. No LSE is predicted.</b></p>
<p><i>E - Disturbance from new illumination causing bats to change their use of an area/habitat</i></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><i>F - Disturbance to or loss of land or features secured as mitigation for BQ&amp;CSAC bats from previous planning applications or projects</i></p>	<p>There are no mitigation features or land onsite that are associated with mitigation from previous planning applications or projects. <b>No LSE is predicted.</b></p>
<p><i>G – Loss, damage, restriction or disturbance of a pinch point</i></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><b>No LSE is predicted.</b></p>
<p><b>11.</b> 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)

This HRA is an amendment to a former HRA, and it has been quantified by the project ecologist (EPR) and lighting engineer (Stantec) that this resubmitted scheme does not materially change the recommendations in this amended HRA from the previously submitted scheme 23/0571/MFUL.

Natural England provided the following comments for the previously scheme 23/0571/MFUL and supporting HRA.

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](mailto: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](mailto:consultations@naturalengland.org.uk).

Sarah Dyke

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

*16/01/2024 - Natural England advises that they concur with the assessment conclusions in the submitted HRA for the previously scheme 23/0571/MFUL, 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.*

*17/05/2024 – A compliance check of the site by Natural England on 16/05/2024 did not identify any issues relating to existing licensed (ref: 2023-66788-EPS-MIT) activity on the site.*

**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 sale 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 William Dommett  
Date 20/05/2024

# 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**

<b>Potential LSE (as identified in section 10. A-H)</b>	<b>Avoidance/Mitigation/Compensation measures proposed</b> <i>Consider both Construction and Operational Phases, and monitoring requirements.</i>	<b>Conclusion regarding effectiveness of mitigation and residual LSE</b> <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>	<b>Secured by</b>
<b>14. A - Landscape (large) scale connectivity impacts</b>	<b>Construction</b> 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

- 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.

### Operation

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.

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:

- 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

### Monitoring

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.

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.

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.

The conservation status of the bat assemblage within the Zone of Influence is currently considered to be **Unfavorable** and **Stable**.

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.

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.

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.

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, when it was operated by

Design;  
Constructio  
n Phase  
Lighting  
Strategy;

Section 106  
Agreement  
for long-  
term  
security of  
measures



		<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>It has been quantified by the project ecologist (EPR) and lighting engineer (Stantec) that this resubmitted scheme does not materially change the recommendations in this amended HRA from the previously submitted scheme 23/0571/MFUL.</p> <p><b>No LSE is predicted.</b></p>	
<b>14.B -</b> <i>Direct impacts on the SAC roost or other key roost(s)</i>	N/A		
<b>14.C -</b> <i>Change in habitat quality and composition (loss or change in quality of foraging habitat)</i>	N/A		
<b>14.D -</b> <i>Severance or disturbance of linear features used for navigating or commuting</i>	N/A		
<b>14.E -</b> <i>Disturbance from new</i>	Covered in 14.A		

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

<b>Part E. In-combination impacts</b>	
<p><b>15.</b> List of plans or projects with potential cumulative in-combination 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>
<p><b>16.</b> How impacts of current proposal combine with other plans or projects individually or in combination</p>	<p>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.</p>
<b>Part F: Further Information</b>	
<p><b>17.</b> Compliance with current East Devon Local Plan</p> <p><i>List relevant environmental</i></p>	<p>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.</p>

<i>policies/ strategies and how this proposal achieves or opposes these policies/ strategies</i>	
<b>18.</b> Does the proposal take into account measures agreed at outline or pre-app stages (if applicable)	N/A
<b>19.</b> 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 – on 16/01/2023 - Natural England advises that it concurred with the assessment conclusions for the previously submitted HRA for application 23/0571/MFUL, 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, they expected that any future lighting will be limited along key commuting routes/prevented along the eastern elevation of Building B.</p> <p>The shadow HRA, ecological impact assessment, and other technical documents that supported the former HRA 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>This HRA is an amendment to the former HRA, and it has been quantified by the project ecologist (EPR) and lighting engineer (Stantec) that this resubmitted scheme does not materially change the recommendations in this amended HRA.</p>
<b>Part G. Conclusion of Appropriate Assessment - The Integrity Test</b>	
<b>20.</b> List of avoidance/mitigation/compensation measures and safeguards to be covered by condition or planning obligations (Unilateral	<p>List of avoidance, mitigation and compensation measures, as per section 14:</p> <ul style="list-style-type: none"> <li>• Construction Environmental Management Plan (CEMP);</li> <li>• Programme of Works / Phasing Plan;</li> <li>• Sensitive Lighting Design;</li> <li>• Construction Phase Lighting Strategy;</li> <li>• Section 106 Agreement for long-term security of measures.</li> </ul>

Undertaking or S106)	
21. Applicants conclusion of integrity test.	<p>EDDC concludes that <b>Adverse Effects on the Integrity</b> of Beer Quarry and Caves SAC qualifying features <b>can be ruled out</b>, 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>
22. Completed by: Date:	<p>William Dommett 20/05/2024</p>



**MAP 6** Summary of Bat Roosts and Indicative Key Commuting Routes / Foraging Areas – Updated May 2023 Following Fire

**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

SCALE: 1:1,500 at A3

0 25 50 75 100 Metres N



CLIENT: McCarthy Stone

PROJECT: The Knowle, Sidmouth

DATE: May 2023

https://www.mccarthystone.com/property/development/1182023

P22/03

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



MAP 3a Summary Results Building Inspection (Bat Droppings) – Updated May 2023 Following Fire

**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)
- X Aggregations of droppings
- Chimney
- Loft hatch
- Dropping samples taken for DNA analysis (company & sample analysis reference)
- X Area of damaged tiles – cause unknown

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

SCALE: 1:400 at A3



CLIENT: McCarthy Stone  
PROJECT: The Knowle, Sidmouth  
DATE: May 2023

**Ward** Sidmouth Town

**Reference** 23/1657/FUL

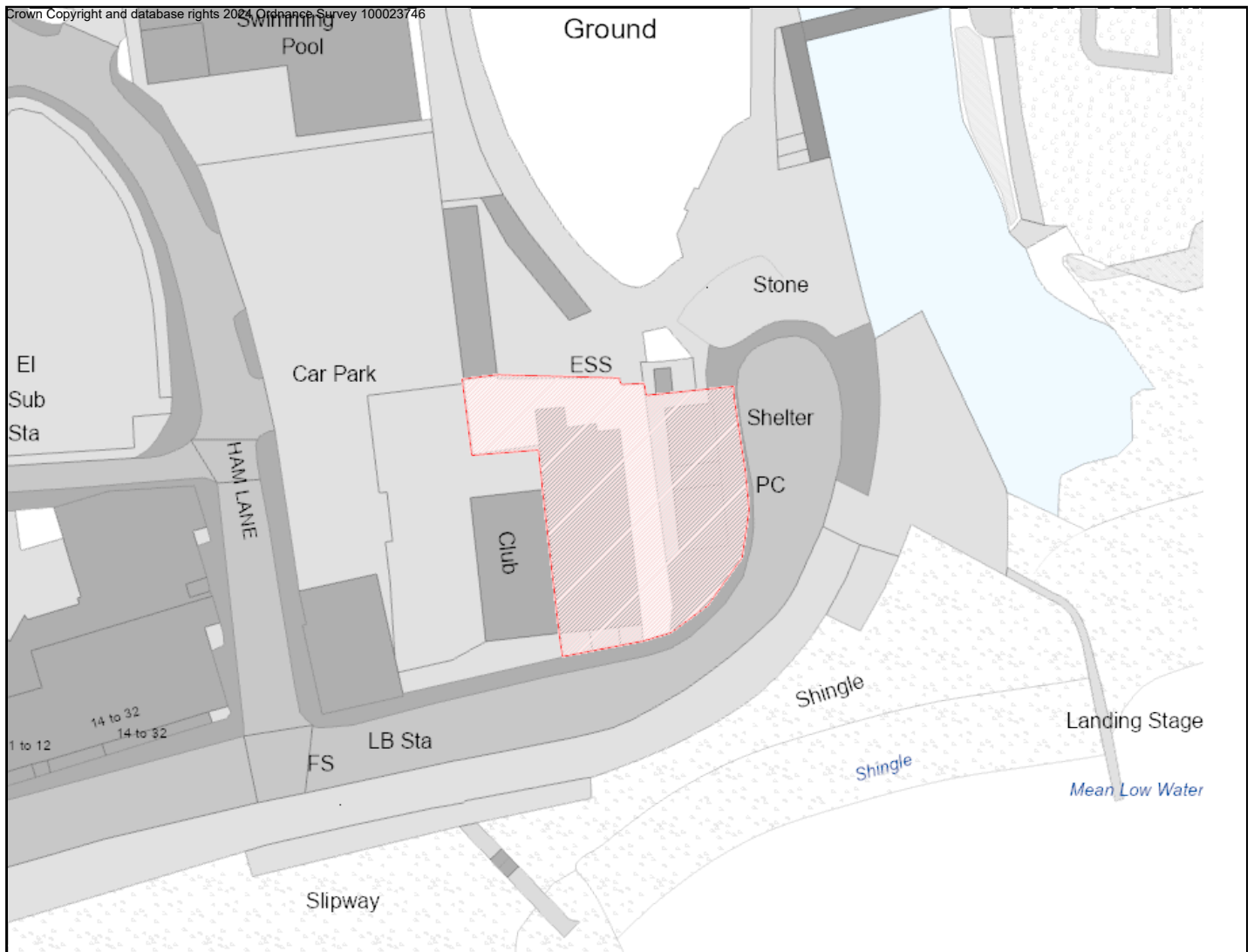
**Applicant** Mr Mitch Tonks

**Location** Sidmouth Drill Hall The Esplanade Sidmouth EX10 8BE

**Proposal** Conversion of hall to restaurant and bar (Use class E and sui generis, previously A3/A4), demolition of rear elevation and public toilet block and replacement with restaurant/ bar extension and a new public toilet block, external terrace to form seating area and addition of new flue.



**RECOMMENDATION: Approval with conditions**





		<b>Committee Date: 18.06.2024</b>
<b>Sidmouth Town (Sidmouth)</b>	<b>23/1657/FUL</b>	<b>Target Date: 02.10.2023</b>
<b>Applicant:</b>	<b>Mr Mitch Tonks</b>	
<b>Location:</b>	<b>Sidmouth Drill Hall The Esplanade</b>	
<b>Proposal:</b>	<b>Conversion of hall to restaurant and bar (Use class E and sui generis, previously A3/A4), demolition of rear elevation and public toilet block and replacement with restaurant/ bar extension and a new public toilet block, external terrace to form seating area and addition of new flue.</b>	

**RECOMMENDATION: Approval with conditions**

#### **EXECUTIVE SUMMARY**

**This application is before members as the Local Authority is the landowner of the application site.**

**The Drill Hall is located on a prominent position at the eastern end of Sidmouth Esplanade. The front elevation retains a rendered finish with the side elevations constructed in brick with a cement render coat.**

**The application site is located entirely within the Sidmouth Town Centre Conservation Area and historic OS maps from 1890 annotate the building as a 'Drill Hall'. The building was predominantly used as a drilling hall until 1959 when the Sidmouth Branch of the Territorial Army adopted the site as their headquarters. The freehold of the Drill Hall was later transferred to EDDC from Wessex Reserve Forces and Cadet Association in 2012, the Drill Hall itself is believed to have been unused since 2007. The adjacent toilet block is also currently owned by the Local Authority.**

**The application seeks consent for the change of use of the Drill Hall to a restaurant and the demolition and replacement of the public toilets with additional dining space. A pair of replacement toilets are proposed within a standalone building with a single ply membrane mono-pitch roof and dark clad walls.**

**With regards to the principle of development, the Eastern Town and Port Royal area of Sidmouth is identified for redevelopment as a mixed-Use Allocation through the provisions of Strategy 26 (Development at Sidmouth) for residential use incorporating community, commercial, recreation and other uses. The application site forms part of this mixed-use allocation, which is titled ED03.**

Additionally, there are several policies within the Sid-Valley Neighbourhood Plan that support redevelopment of the Eastern Town. It is considered that use of the site as a seafood restaurant meets underlying objectives of the Neighbourhood Plan which seeks to ensure that development reflects the Town's maritime heritage.

The replacement toilet block shall reduce in the number of toilets on offer at the site and this has prompted concerns from a number of third parties. However, it is clear from the findings of the Public Toilet Review, which went before Cabinet 12<sup>th</sup> May 2021, that it is no longer viable for the Local Authority to retain ownership and operate the existing toilets. As such, in line with existing block's 'Category B' designation, the replacement of the existing toilets, albeit with a reduced number, complies with EDDC's Toilet Strategy and Policy 25 (Eastern Community Assets) of the Sid Valley Neighbourhood Plan.

Owing to its local historic interest, the Drill Hall is deemed worthy of local listing and therefore considered a non-designated heritage asset. The proposals retain key internal features and propose external alterations that are appropriate to the character of the building whilst also securing its long-term maintenance. The subservient scale of the dining room extension and its form, which mimics the Drill Hall, ensure that the works are sympathetic to the setting of the Conservation Area. The proposed re-rendering of the Drill Hall's external walls and the use of slate and timber boarding for the extension are also considered acceptable.

Overall, the works are considered to result in moderate heritage gain through enhancement to the appearance of the building and the setting of the surrounding conservation area. This position is reflected in comments from the LPA's Conservation Officer.

Due to the sites position within Flood Zone 3a a Site Specific Flood Risk Assessment has been submitted to the LPA. After several updates to the FRA the Environment Agency deems the FRA as being acceptable. However, the LPA are required to consider the acceptability of the submitted Flood Warning Evacuation Plan (FWEP). Whilst a FWEP has been submitted further information is required to demonstrate the residual risk to staff and patrons has been reduced as much as possible. This shall be secured via planning condition.

A submitted Ecological Appraisal has identifies the loss of two bat roosts and a birds nest. Recommendations within the report include various ecological enhancements to the basement level and provision of bird and bat boxes to the external walls to mitigate the loss of habitat within the Drill Hall and some scrub to the rear. The works would require obtaining a European Protected Species License (EPSL) from Natural England.

The application has also been reviewed by the County Highway Authority who raise no objections to the proposals.

Overall, removal of the public seating adjacent to the existing toilet block is attributed some harm within the planning balance. However, having regard to all

**the material planning issues raised, it is considered that the heritage and economic benefits of the proposal significantly outweigh this harm. It is therefore the position of officers that the application is acceptable subject to conditions listed below.**

## **CONSULTATIONS**

### **Technical Consultations**

#### Environmental Health

Approval subject to conditions regarding noise and cooking odours.

#### Police Architectural Liaison Officer - Kris Calderhead

No objections. Advice given with regards to how CCTV and external lighting should be installed at the site to prevent crime and anti-social behaviour.

#### Conservation

In summary the works as proposed go towards retaining the special interest of the non-designated heritage asset, whilst enhancing the character and appearance of the conservation area, satisfying para.203 and 206 of NPPF and Policies EN8 and EN9 of the New East Devon Local Plan (2013-2031).

Recommend approval subject to conditions

#### Environment Agency

As discussed, we consider that the Flood Risk Assessment (FRA) has adequately assessed the flood risks in line with the requirements of the National Planning Policy Framework. We acknowledge that the April 2024 FRA did address the UKCP2018 climate change allowances as shown in Appendix D (The Royal Haskoning DHV additional modelling/report) and apologise for our reference to outdated climate change projections in our letter of 2nd May 2024.

What is evident is that the findings of latest Royal Haskoning DHV modelling using the UKCP2018 clearly indicate that the overtopping rates and therefore flood risk, including safety of users of the building, including that to routes 'A' and 'B' in certain conditions, would be greater over time than previous estimates, including those as originally submitted, and should be regarded as up to date for the purpose of helping determine the application and informing an appropriate flood warning and evacuation plan.

We note that the outputs of the UKCP2018 modelling have been used to inform the design implications for the building with/without the Beach Management Plan up to a 2043 scenario, and likewise, up to a 2123 scenario. However, we are not really in a position to provide an absolute formal position regarding the long-term sustainability of the proposal, including safety implications, regarding whether the Beach

Management Plan (BMP) is implemented or otherwise. We do however highlight the likely consequences. What is clear is that the building's environs and access/egress routes are subject to overtopping already and will do so irrespective of implementation of the BMP. How to correlate overtopping rates with safety is not one we could advise on and is a material issue a local authority emergency planner should consider. Our concerns to date are related to insufficient reference in the submissions to historic storm events, in context to the building, its environs and the access/egress routes. For example, Storm Ciaran a storm event of much relevance here which postdated the application.

Therefore, this key issue is now a matter for your authority to consider and assess whether it is an acceptable risk. Whilst the EA are a category 1 responder and has a role to forecast flooding and issue flood alerts and warnings, it is the responsibility of the local authority to form an overall view of the adequacy of emergency plans, and be satisfied that such an emergency plan (or flood warning and evacuation plan) can be safely and reasonably achieved before determining a planning application.

In terms of lifetime of proposal. In a previous letter, we suggested a lifetime restricted to 20 years due to the detail and confidence in climate change data in the shorter-terms epoch. It is quite clear that the development (and users) would be at a greater risk should the BMP not be implemented. However, this balance is for the local authority to undertake and with recognition to the various other material considerations.

As a result, we recommend that the application is not determined until your decision can be informed by your authority's consideration of the Emergency Planning related issues. As discussed at the meeting we would not pursue an objection should you be content with regard to emergency planning considerations and are minded to approve the application.

#### County Highway Authority

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

#### **Local Consultations**

##### Parish/Town Council

DEFER: To allow interested parties to attend the next meeting in person at Woolcombe House.

SUPPORT:

Note: Although Members supported the application on the basis that the proposals were an improvement on what currently existed on site, they were disappointed at the design. As per comments in The Sid Valley Neighbourhood Plan for Eastern Town 'Any development should be designed and constructed to a high standard and needs to take account of views to and from the surrounding hills'. Members felt that this was a missed opportunity to provide an exceptional building which would take advantage of the views of the World Heritage Site and be a credit to Sidmouth whilst acknowledging the restrictions of retaining the older building. They regretted the lack of a balcony and supported the views of the public who felt that two unisex toilets

were not sufficient or desirable. Like the public, they were sorry that there was no provision of a public shelter and warned that the Beach Management Plan might result in the loss of views of the sea from the restaurant because of raising the sea wall.

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Note: Although Members supported the application on the basis that the proposals were an improvement on what currently existed on site, they were disappointed at the design. As per comments in The Sid Valley Neighbourhood Plan for Eastern Town 'Any development should be designed and constructed to a high standard and needs to take account of views to and from the surrounding hills'. Members felt that this was a missed opportunity to provide an exceptional building which would take advantage of the views of the World Heritage Site and be a credit to Sidmouth whilst acknowledging the restrictions of retaining the older building. They regretted the lack of a balcony and supported the views of the public who felt that two unisex toilets were not sufficient or desirable. Like the public, they were sorry that there was no provision of a public shelter and warned that the Beach Management Plan might result in the loss of views of the sea from the restaurant because of raising the sea wall.

#### Other Representations

At the time of preparing the report 24 comments had been received, consisting of 21 objections, 11 in support and 2 neutral.

Those objecting have expressed concerns over the following;

- Negative impact on views to Port Royal.
- Loss of the shelters and seating.
- Replacement of toilet block with two cubicles is insufficient.
- Loss of recreation land.
- Lack of cycle storage.

Those in support have made the following points;

- Re-development of the site is much needed.
- Recognise the importance of the hospitality sector.
- Creation of jobs.
- Development shall enhance the eastern end of the Esplanade.
- Shall help decrease anti-social behaviour at the shelters.

#### **PLANNING HISTORY**

**19/1775/FUL** – Conversion of hall to restaurant (A3 use), creation of new balcony, replacement of rear extension with new rear extension, external terrace to form seating area. APPROVED with conditions at Planning Committee 04.02.20

## **POLICIES**

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

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 26 (Development at Sidmouth)

Strategy 32 (Resisting Loss of Employment, Retail and Community Sites and Buildings)

Strategy 33 (Promotion of Tourism in East Devon)

Strategy 38 (Sustainable Design and Construction)

Strategy 48 (Local Distinctiveness in the Built Environment)

D1 (Design and Local Distinctiveness)

EN10 (Conservation Areas)

EN21 (River and Coastal Flooding)

E20 (Provision of Visitor Attractions)

TC10 (Rear Servicing of Shopping/Commercial Development)

### Government Planning Documents

NPPF (National Planning Policy Framework 2023)

### Sid Valley Neighbourhood Plan

Policy 1 (Sid Valley Development Principles)

Policy 2 (Views)

Policy 7 (Local Distinctiveness)

Policy 16 (New Retail and Commercial Development)

Policy 20 (Protection and Enhancement of Community Facilities and Assets)

Policy 22 (Eastern Town Redevelopment)

Policy 23 (Eastern Town access)

Policy 24 (Eastern Town Maritime Heritage)

Policy 25 (Eastern Town Community Assets)

## **Site Location and Description**

The Drill Hall is located on a prominent position at the eastern end of Sidmouth Esplanade. The front elevation consist of a distinctive gable end and retains a rendered finish with the side elevations constructed in brick and a cement render coat. The roof is natural slate on timber rafters and purlins supported by hammerhead trusses with metal tie rods with some clay ridge tiles remaining.

To the east are the public toilets, a single storey building constructed of render and slate. The eastern roof pitch is supported by a series of brick piers which subdivide areas of public seating with outlook towards Salcombe Hill Cliff.

The application site is located entirely within the Sidmouth Town Centre Conservation Area and the historic OS maps dating back to 1890 annotate the building as a 'Drill Hall'. Subsequent to its construction the building was predominantly used as a drilling hall until 1959 when the Sidmouth Branch of the Territorial Army adopted the site as their headquarters.

The freehold of the Drill Hall was transferred to EDDC from Wessex Reserve Forces and Cadet Association in 2012. The adjacent toilet block is also currently owned by the Local Authority.

### **Proposed Development**

The application seeks consent to convert and extend the Drill Hall to a restaurant and bar. In order to facilitate construction of the extension, demolition and replacement of the public toilets is proposed. External dining space is proposed on external decking forward of the dining room extension.

The exterior of the Drill Hall would be finished in off-white painted render and repairs made to the slate roof. All existing openings are to be retained and replaced with aluminium frames, ground floor windows on the principal elevation shall have side hung timber shutters.

The extension would utilise a slate pitched roof with forward and rear projecting gable ends, similar to the form of the Drill Hall. The exterior walls shall be clad in dark vertical boarding with openings encased in dark aluminium. A single storey linking structure would connect the extension to the Drill Hall. This would have a single ply membrane roof and also clad to match the extension.

A pair of replacement toilets within a standalone building to the rear of the extension. This shall have a single ply membrane mono-pitch roof and dark clad walls. The outside dining area is to be decked and enclosed with a low brick wall and a series of flowerbeds.

### **Principle of Development**

The building lies within the Built-Up Area Boundary of Sidmouth and the Town Centre Conservation Area. Strategy 32 of the Local Plan states that changes of use from community uses should be fully explored, requiring marketing of the premises for at least 12 months.

Evidence available to the LPA indicate that The Drill Hall has been unused since 2007. The building was marketed in 2018, no community uses came forward. However, a number of commercial uses expressed interest which included proposals to demolish the building.

The current proposal retains the Drill Hall and allows for public commercial use of the building, bringing public and economic benefits by way of generating employment, enhancing the vitality of the Eastern Town. The proposals are therefore considered to meet the criteria of Strategy 32.

The site also forms part of a Mixed-Use Allocation under Strategy 26 (Development at Sidmouth) and footnote 14.3, d) of the Local Plan for residential use incorporating community, commercial, recreation and other uses.

As the application proposes the re-use of an existing building of local historic significance, the proposal complies with Strategy 26 in terms of proposing a community/commercial facility at the site.

With regards to the Sid Valley Neighbourhood Plan, there are several relevant Policies including the following:

Policy 16 (New Retail and Commercial Development) which supports new retail and commercial facilities with the Town Centre where of a suitable design, accessible by a variety of transport types and would not harm the amenity of neighbours. Whilst the site is not within the Town Centre, the proposal has support through Local Plan policy 26 that the Neighbourhood Plan does not seek to depart from.

Policy 20 (Protection and Enhancement of Community Facilities and Assets) is similar to Strategy 32 of the Local Plan in terms of seeking their protection unless there is no reasonable prospect and subject to acceptable other impacts. However, the existing toilet block or sheltered seated area is not listed as a community facility.

Policy 22 (Eastern Town Redevelopment) covers the application site stating that proposals should comply with all Neighbourhood Plan Policies and have regard to its location within Flood Zone 3. The justification to the Policy states that survey results for the application site showed that most respondents wanted sailing and fishing based activities to reflect Sidmouth's coastal heritage. The proposal is considered to achieve this despite forming only part of the wider allocation for a mix of uses.

Policy 23 (Eastern Town Access) states that any development of the Eastern Town will be expected to demonstrate via an access strategy linkages with the town centre. As the proposal is for a change of use and extension of an existing building, it will continue to benefit from the nearby public transport links and shall not impact the existing Sustrans cycle network.

Policy 24 (Eastern Town Maritime Heritage) encourages sea-based activities in this area. The proposal complies with this through provision of a fish-based restaurant.

Policy 25 (Eastern Town Community Assets) states that redevelopment of the Eastern part of the town should retain or replace existing community assets the public toilets, swimming pool and Ham recreation ground. The policy also states that redevelopment of the Eastern Town should include the provision of catering or bar/restaurant facilities. As the proposals seek to replace the Port Royal Toilets and introduce a restaurant use the proposal is considered to meet this policy.

In summary, the proposal is considered to be acceptable in principle as the proposals seek retain an existing building in community/commercial use with a seafood restaurant that reflects the Neighbourhood Plan policies for proposals to reflect the area's coastal and fishing heritage.



## **Replacement of the Public Toilets**

Removal of the existing toilet block has prompted a number of comments from members of the public who have expressed concern over the reduced number of toilets and removal of the covered seating area.

Due to budget constraints the Local Authority has had to reconsider its public toilet provision. East Devon District Council put forward proposals about the future of public toilet services within the Public Toilet Review. This was put forward to residents, Town and Parish Councils, businesses and others in July 2021 until October 2021.

The findings of the consultation went before Cabinet for debate on 1<sup>st</sup> December 2021, and the resulting strategy has been published on the Local Authority's website and categorises the Sidmouth Port Royal toilets as 'Category B'. As a result, EDDC would no longer be providing public toilets at the site and shall be looking for an alternative party to occupy and lease the site. The definition of what constitutes Category B toilets is provided below;

*'Still important locally, but less well used or where there are multiple toilets in close proximity (according to proximity maps and 4/8 minute walking zones). If a toilet has been listed as suggested category B it means we would look at other options for the use of the site. At sites identified as category B, we could consider marketing a lease opportunity for a different offer such as a café, to include a publicly accessible toilet, or market the asset for sale, depending on the options for each particular site. Town or parish councils wouldn't be precluded from bidding for these sites, but we believe category B sites offer good potential for an alternative use and therefore would attract a commercial value. These uses may in some instances still include a publicly accessible toilet operated by a third party.'*

Rockfish have come forward to lease the site and within a draft tenancy agreement with EDDC it is stated that two units of publicly accessible toilets shall be provided and maintained at the site. The tenancy agreement stipulates that opening hours of the toilets shall reflect EDDC's own provision in the locality, 8am and 10pm between the dates 3<sup>rd</sup> April - 30<sup>th</sup> September and 8am and 7pm between 1<sup>st</sup> October - 2<sup>nd</sup> April unless alternative hours are previously agreed in writing by the Local Planning Authority.

Whilst it is accepted that the replacement toilet block would lead to a reduction in the number of toilets on offer, it is clear from the findings of the Public Toilet Review that it is no longer financially viable for the Local Authority to provide and operate the toilets. From 1<sup>st</sup> April 2024 no budget has been allocated to running the Port Royal toilets and therefore, regardless of the outcome of this planning application, EDDC shall not be providing toilets at the site past this date. As such, in line with existing block's 'Category B' designation, the replacement of the existing toilets and their future operation by Rockfish complies with EDDC's Toilet Strategy.

Furthermore, the Sid-Valley Neighbourhood Plan lists a number of aims for the Eastern Town on page 56 and Aim No.7 states that facilities for public toilets should be retained. This aim is reflected within the provisions of Policy 25 (Eastern Town Community Assets) that encourages the retention and replacement of community

assets, however, no exact threshold as to the number of replacement toilets is provided. It is the position of the LPA that the conclusions of the Toilet Strategy are clear that future provision of toilets at Port Royal are dependent on a private body leasing the site. Discussions between EDDC and Rockfish determined that two toilets would be provided to ensure the proposals were viable.

As such, the proposed replacement of the existing toilet block with two accessible unisex toilets is considered to comply with Neighbourhood Plan Policy 25 (Eastern Town Community Assets) and the overarching aims of the Local Plan regarding regeneration of the Eastern Town/ Port Royal area. Whilst concerns raised by third parties and the Town Council are understandable, the level of toilet provision proposed is considered policy compliant and therefore the reduction in toilets at the site cannot be attributed harm in the overall planning balance.

### **Impact on Significance of Heritage Assets**

Despite the Drill Hall's cultural importance to Sidmouth Town, the building has been significantly altered overtime which has eroded various original internal and external features. Previous correspondence with Heritage England, regarding the heritage value that can be attributed to the Drill Hall, state that the building '*cannot be said to possess special architectural or historical interest in the national context*' and therefore is not listed. This position is also reflected within comments received on the current application by the Local Authority's Conservation Officer.

However, whilst the Drill Hall is not deemed worthy of listing, its historic value warrants local listing and is therefore classified as a non-designated heritage asset. As a result, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset, in accordance with paragraph 203 of the National Planning Policy Framework.

It is evident from third party comments, several of which have been submitted by local residents, that the Drill Hall has a level of emotional value for those with fond memories of the building during days along the Esplanade. A few comments, who have sought to highlight the heritage significance of the hall, have expressed concerns with regards to the design of the proposals visual impact on the Drill Hall.

Firstly, it is acknowledged that the Drill Hall is a prominent building at the end of The Esplanade and therefore contributes to the historic interest of the conservation area. However, owing to a lack of maintenance over the years and its seafront location, the building's appearance has weathered poorly and has declined overtime which has impacted its contribution to the setting of the Conservation Area.

With regards to the impact of the proposals on the Drill Hall, the development would have minimal impact on the integral features and historic fabric of the building. The submitted drawings seek to respect the form of the existing building whilst preserving key internal features, including the scissor trusses within the principal hall. The external envelope of the Drill Hall shall be wrapped in a layer of thermal insulation with

a render coating to help protect the historic fabric of the building from further erosion and decay.

The single storey dining room extension poses some potential harm to the significance of the conservation area due to its prominent position on the eastern end of the Esplanade. Notwithstanding this, the proposed extension is subservient in scale with a steep pitched roof to mimic the form of the Drill Hall. A single storey linking structure is also proposed between the two. Whilst the majority of the existing openings are to be replaced with aluminium casements, the three windows along the Drill Hall's eastern elevation are to be replaced with five aluminium openings and a door, all with side hung shutters.

Furthermore, the existing pair of brick walls that border the southern boundary shall be retained albeit painted in Rockfish's colours of off-white and light blue for their logo. A new wall shall enclose the external dining area and, subsequent to discussions between the Environment Agency and applicant, has been raised within the latest schedule of drawings for flood mitigation purposes. A new flue is proposed on the western roof pitch.

With regards to the overall impact of the proposals on the significance of the Drill Hall and Wider Conservation Area, the works are considered to enhance the appearance of the non-designated heritage asset and in turn the historic and architectural interest of the surrounding conservation area. This position is reflected in comments from the LPA's Conservation Officer and therefore the anticipated heritage gain weighs in favour of the scheme.

As a result, whilst comments from third parties are duly acknowledged, it is the position of officers that the proposals meet the provisions of Policies EN8 (Significance of Heritage Assets and their Setting) and EN10 (Conservation Areas) of the New East Devon Local Plan (2013-2031) whilst satisfying paragraphs 203 and 206 of the NPPF.

### **Impact on Character and Appearance of the Area**

The visual impact of the development on the character of the Drill Hall and wider Conservation has already been addressed in the previous section of the report. As such, the various conclusions drawn shall not be repeated.

Notwithstanding this, the application site is located at the end of the Esplanade in a prominent location. The Drill Hall is visible from public vantage point along the seafront, the Ham Recreation area to the north, Alma Bridge and Salcombe Hill Cliff. Therefore, the demolition and replacement of the toilet block, shall inevitably have a degree of visual impact on the immediate area.

However, the proposed scale and form of the extension is subservient to the Drill Hall and to be constructed of materials appropriate to its seafront location. Additionally, the proposed conversion and change of use of the site to a seafood restaurant is also considered appropriate and a nod to Town's maritime heritage. The existing toilet block, whilst of modest proportions, is of limited architectural merit and therefore its

removal and replacement with the proposed extension and smaller toilet block is of little concern.

Whilst the enhancement to the setting and long-term maintenance of the Drill Hall has already been addressed, the proposed restaurant use of the building shall also provide benefits to the character of the area. Occupation of the site by Rockfish presents an opportunity to enhance the vitality of the Port Royal Area. This would be particularly evident during summer months when the external decking area is likely to be occupied by diners, making a positive contribution to the ambiance of the area whilst providing natural surveillance of the seafront.

Overall, the proposals are considered to meet the provisions of Strategy 46 (Landscape Conservation and Enhancement and AONB) and Policy D1 (Design and Local Distinctiveness) of the Local Plan. The Neighbourhood Plan identifies the eastern end of the Esplanade as a Key View from York Terrace along the seafront towards Salcombe Hill Cliff. Notwithstanding this, for the reasons already given above, the visual impact of the alterations to the Drill Hall and the proposed would not obscure or cause any harm to this key view.

### **Impact on Neighbouring Amenity**

Use of the site as a restaurant shall require the installation of extraction and ventilation systems. Both elements have the potential to impact adjacent land uses. The immediate area is characterised by commercial uses with the nearest residential properties being located at Trinity Court.

The application is supported by manufacturer details of an Electrostatic Precipitator (ESP) Filter Unit, an extraction air filtration unit to serve the restaurants kitchen. However, further details are required in order to demonstrate that the treatment of cooking odours would be satisfactory. Further details regarding a mitigation strategy regarding noise emitted from any fixed plant and the extraction system shall need to be submitted.

The LPA's Environmental Health Team are satisfied that such information can be secured via planning condition. The proposals are therefore considered to meet the provisions of Policy D1 (Design and Local Distinctiveness) and Policy (Control of Pollution) of the East Devon Local Plan.

### **Flooding**

The application site is located within Flood Zone 3a and therefore has a high probability (1% or greater annual probability) of river flooding from the River Sid. The application is supported by a Site Specific Flood Risk Assessment prepared by AWP.

The National Planning Policy Framework and Planning Practice Guidance states that the Sequential Test must be satisfied in order for development to be considered acceptable. The approach is designed to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. This means

avoiding, so far as possible, development in current and future medium and high flood risk areas considering all sources of flooding including areas at risk of surface water flooding.

Footnote 56 of the NPPF states that certain minor development is exempt from the Sequential Test. However, none of the exemptions are considered to apply to the development proposals. Notwithstanding this, the East End and the Drill Hall site are earmarked for mixed use redevelopment at paragraph 14.3 d), as depicted at ED03, within the Local Plan which is the preamble for Strategy 26 (Development at Sidmouth). Additionally, redevelopment of the Eastern Town is also addressed within the Sid-Valley Neighbourhood Plan at Policy 22 (Eastern Town Redevelopment).

As the site has been allocated for mixed use development and has already been subject to the sequential test at the plan making stage it does not need to be applied again as per paragraph 027 of the Planning Practice Guidance (PPG).

Having applied the Sequential Test, the Exception Test must also be considered. However, the site falls within Flood Zone 3a and use of the site for restaurant purposes is considered a 'less vulnerable' class use as per Table 2 at paragraph 079 of the PPG. The development is therefore exempt from the Exception Test.

With regards to ensuring the development shall be safe with regards to flood risk, the perimeter wall has been extended to span between the existing wall and external dining area to provide a consistent level of protection across the front edge of the development. In the event of a flooding event, all access doors and access points onto the decking shall be fitted with flood gates of equivalent height to the wall. Further flood resilience measures shall be incorporated internally, including waterproof plasterboard and raised electrics.

The internal ground floor level shall be elevated above the highest flood levels and the basement shall be kept vacant and built out with ecological enhancement measures. The Site Specific Flood Risk Assessment has been updated with the latest UK Climate Change Projections (UKCP18) which has addressed previous concerns from the Environment Agency with regards to the contents of the FRA.

However, despite the FRA being considered acceptable, and that the associated risks to the building have been adequately considered, the EA has emphasised that the anticipated increase in overtopping rates in the future caused by tidal flooding requires the LPA to consider a Flood Warning Evacuation Plan.

The flood risk and coastal change section of the planning practice guidance (PPG) adds that where risks are unavoidable through location and design options, applicants will need to demonstrate that safe evacuation procedures and flood response infrastructure are in place to manage the risk. Applicants should do this through their FRA and, where relevant, through an agreed emergency plan.

A Flood Warning Evacuation Plan has been submitted at appendix F of the Flood Risk Assessment. Such contingency measures contained within the document shall only be required in exceptional circumstances where the Environment Agency's Flood Warning or Met Office weather warnings have not been received and the restaurant

has not already been closed as per 'Actions' in Table 2. The two points of refuge during a flood event are The Health Centre (Route A) and the Manor Pavilion (Route B). Depending on the type of flooding event, whether coastal or fluvial, and its severity, shall dictate the chosen route or whether containment should be considered. The FWEP shall be reviewed in order to monitor and update if circumstances change.

Whilst the LPA are satisfied that the chosen refuge points are appropriate, further details are required to ensure that the residual risk is reduced as much as possible. Further information regarding additional trigger points beyond just the Environment Agency alerts and Met Office weather warnings should be sought. During a flooding alert it should also be demonstrated that the external dining furniture shall be stored or anchored and how hazards during a flood event shall be assessed and managed.

Additionally, further clarity with regards to how the details of FWEP shall be communicated and implemented between Site Managers, employees and patrons should be demonstrated. Notwithstanding this, it is the position of officers that this information can be secured via an appropriately worded condition if consent is to be forthcoming.

Overall, having regard to the provisions of Policy EN21 (River and Coastal Flooding), the sequential test has been satisfied and therefore the provisions of sub paragraphs must be considered. In this case, as already detailed within the report, the development has demonstrated that the proposals would result in wider sustainability benefits in terms of heritage gain, employment and enhancements to the viability and vitality to the eastern end of the esplanade. The development concerns previously developed land and the submitted FRA has been deemed acceptable by the EA. The development therefore meets the provisions of Policy EN21.

### **Drainage**

Currently runoff is captured within an existing underground drainage network. The private system discharges into the South West Water combined sewer system just north of the Drill Hall. The submitted FRA details that the use of soakaways would not be appropriate in this location.

The proposed extension and toilet block would marginally increase the extent of built form at the site by approximately 32 square metres. However, this is considered minimal and considering the site is brownfield land, categorised as being at a 'low risk' from surface water flooding and would utilise an existing system to attenuate surface water run off, the LPA does not object on these grounds.

### **Ecology**

The application is supported by an Ecological Appraisal prepared by Richard Green Ecology. Emergence surveys have been conducted in June 2019 and again in May and June of 2023. The site lies 8km south east of the Beer Quarry and Caves SSI and SAC.

The appraisal concludes that, whilst demolition of the toilet block would not harm protected species, conversion of the Drill Hall would result in the loss of two lesser horseshoe night roosts located within the upstairs eaves cupboards and under stairs cupboard. Mitigation for the loss of the night roost is suggested via retaining and enhancing the Drill Hall Basement. At Paragraph 4.2.3 of the Ecological Appraisal several key enhancement features are identified.

- Retaining access to the basement via gaps above doors on the northern elevation.
- Additional woodcrete bat boxes should be installed within the eaves on the western elevation to increase roosting opportunities.
- Internal doors within the basement that allow access and additional alcoves to provide additional roosting conditions.
- Baffles suspended from the ceiling to reduce air flow.
- Additional crevices in the form of squeeze boxes to increase roosting opportunities for crevice dwelling bats.

Despite the submitted ecological appraisal stating that there is little evidence to suggest that the Drill Hall is used as a commuting habitat and little foraging habitat, no lighting details have been submitted with the proposals. As the proposals could potentially increase the level of light spill from the site and disrupt nearby flight paths, a condition securing the details of any external lighting shall be required and agreed upon prior to first use of the restaurant.

The proposed works to the Drill Hall would require a European Protected Species License (EPSL) from Natural England and the construction phase shall need to be supervised by a licensed ecologist.

National Planning Practice Guidance (PPG) requires that the Local Planning Authority is satisfied that a licence is likely to be granted before it grants planning permission. The LPA is required to consider the proposals against three licensing tests for European protected species. If these are not satisfied, a licence cannot be issued and the developer may not be able to implement a grant of planning permission. The three tests are considered below:

#### 1. Consider Alternative Solutions

The submitted Ecological Appraisal highlights the poor state of the roof due to it being damaged with large gaps in the ridge, missing slates, ripped roof lining, openings in the eaves and gaps in the walls. In order to secure the long-term future of the Drill Hill, which is considered a building of local significance, the building shall need to be repaired to bring it back into use.

## 2. Consider Imperative Reasons of Overriding Public Interest

As already detailed within the report, the development would secure the long-term future use of a non-designated heritage and enhance the appearance and setting of the conservation area. Additionally, the anticipated enhancement to the vitality of the eastern end of the esplanade and economic benefits through providing local jobs would provide public benefits that outweigh the risk of harm.

## 3. Secure Compensatory Measures

The submitted Ecological Appraisal has listed mitigation measures to provide alternative roosting provision for bats. Most notably the retention and enhancement of the Drill Hall's basement to provide features that provide a range of roosting features. Native planting in raised planters is also proposed within the service area to the north to provide foraging opportunities. The proposals also include the provision of replacement nesting opportunities for birds.

Given the above, the LPA is satisfied that the derogation tests are met and that a EPSL would be granted by Natural England.

The appraisal concludes that, given the scale of development, the proposals are unlikely to have a significant effect on the integrity of the Sidmouth to West Bay or Beer Quarry and Caves SAC. The recommendations within the Ecological Appraisal shall be secured via planning condition to ensure that development meets the provisions of Policy EN5 (Wildlife and Habitats) of the Local Plan and that an EPSL is likely to be granted by Natural England.

## Highways

In terms of parking provision, the application site is located near the town centre and 50 metres away from East Street car park and slightly further afield, Russell Street Car Park and Riverside Car Park. There are also Bus stops at Station Road, Cypress Terrace and Salcombe Road. As such, the absence of dedicated parking is not a concern for the LPA, and this position is reflected in comments received from the County Highway Authority.

A third-Party comment has been received expressing concerns that the pavement immediately east of the existing toilet block is being reduced in width. Whilst it is accepted that the footprint of the proposed extension and the wall enclosing the external dining area shall exceed the width of the existing toilet block, it is considered that the remaining footpath shall still be an acceptable width. In the absence of an objection from the County Highway Authority, the application cannot be refused on highway safety grounds.



## **Conclusions**

It is the position of officers that the proposed conversion and extension of the Drill Hall is in accordance with the key objectives of the Sid-Valley Neighbourhood Plan that seek redevelopment and regeneration of the Eastern Town. Occupation of the site by Rockfish and their offering of seafood is also considered appropriate in this seaside location and reflects Sidmouth's maritime heritage, although it should be noted that any operator could benefit from this permission if granted.

Furthermore, the anticipated increase in footfall to the site generated by the proposal would enhance the vitality of the eastern end of the Esplanade. In turn, the development shall enhance the viability of the immediate area for existing and future businesses and also provide 30 full-time and 20 part-time jobs. The anticipated economic benefits are considered to significantly weigh in favour of the scheme.

The proposed physical alterations to the Drill Hall are deemed acceptable and sympathetic to the building's local historical significance and secures its long-term maintenance. The proposed single storey extension is also considered acceptable with regards to its impact on the character of the principal building and appearance of the wider area including the setting of the Conservation Area.

Whilst comments from the Town Council with regards to the design of the build and lack of an easterly facing balcony are acknowledged, it is the position of officers that the submitted design is acceptable. Owing to the site's position on the seafront, easterly views are available of Salcombe Cliff which potentially haven't been made full advantage of in the current scheme. However, there are a number of easterly facing windows and outdoor tables that would have an outlook towards the east. Furthermore, the provision of a balcony could require a larger extension which have implications with regards to its impact on the setting of the Drill Hall and wider character of the area.

Several third parties and the Town Council have also expressed concern and disappointment over the loss of the public benches that face Alma Bridge and Salcombe Hill Cliff. It is evident from third party comments and observations made during multiple officer site visits, that these are a popular feature of the eastern end of the Esplanade and are frequently used by locals and tourists. However, owing to other public seating being available along the seafront and at the Ham Recreation Ground, their removal would not cause undue harm to the provision of public seating within the immediate area nor are they explicitly protected through planning policy.

Notwithstanding this, removal of the seating is attributed some harm within the planning balance. However, having regard to all the material planning issues raised, it is considered that the heritage and economic benefits of the proposal significantly outweigh this harm. It is therefore the position of officers that the application is acceptable subject to conditions listed below.

## **RECOMMENDATION**

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.  
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.  
(Reason - For the avoidance of doubt.)
3. Notwithstanding the approved drawings, the vertical dark cladding for the proposed extension shall be constructed of natural timber only. Samples of the proposed external materials and details regarding the colour of the render and paint to be used on the external walls of the Drill Hall and enclosure of the decking areas 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 details before the building is occupied.  
(Reason - To ensure that the materials are considered at an early stage and are sympathetic to the historic character of the building and appearance of the Conservation Area in accordance with Policy EN10 - Conservation Areas of the Adopted East Devon Local Plan 2013-2031.)
4. The development hereby approved shall be carried out in accordance with the recommendations of the Flood Risk Assessment prepared by Awcock Ward Partnership submitted to the Local Planning Authority on 16.04.24.  
Notwithstanding this, prior to commencement of the development, excluding demolition, a revised Flood Warning and Evacuation Plan 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 and the site occupied and operated in accordance with the Flood Warning and Evacuation Plan for its lifetime.  
  
(Reason: To reduce the risk of flooding to the proposed development and future occupants and in the interests of public safety in accordance with policy EN21 (River and Coastal Flooding) of the East Devon Local Plan and the National Planning Policy Framework 2023).
5. Development shall be carried out in accordance with the recommendations and mitigation measures in the Ecological Impact Assessment prepared by Richard Green Ecology dated 13.07.23.

(Reason - In the interests of wildlife protection in accordance with Policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan.).

6. Prior to first use of the restaurant hereby approved by members of the public, a lighting scheme shall be provided for the site which complies with the requirements of the Institute of Light Engineers guidance on the avoidance of light pollution. The lamps used shall not be capable of reflecting light laterally, upwards or off the ground surface in such a way that light pollution is caused. No area lighting shall be operated outside the agreed working hours of the site, although low height, low level, local security lighting may be acceptable.  
(Reason - To comply with Policy EN15 (Control of Pollution) and In the interests of wildlife protection in accordance with Policy EN5 (Wildlife Habitats and Features) of the East Local Plan 2013-2031)

7. The use hereby permitted shall not commence until a detailed proposal for the treatment of cooking odours has been submitted to and approved in writing by the Local Planning Authority. Details shall include any prefilters, grease traps, mesh or fabric filters and/or activated carbon units intended to be installed, and the proposed method of dispersing residual odours, flue specifications and discharge heights. The development shall be carried out in accordance with the approved details. There shall be no restrictions to the flue at the point of exit. The equipment shall be installed prior to the use commencing, maintained in accordance with the manufacturer's instructions and operated at all times when the kitchen is in use.

(Reason: To avoid odours detrimental to the amenities of local residents in accordance with Policy EN14 - Control of Pollution of the East Devon Local Plan.)

8. The specific noise level of any fixed plant or equipment installed and operated on the site including the extraction system 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 avoid odours detrimental to the amenities of local residents in accordance with Policy EN14 - Control of Pollution of the East Devon Local Plan.)

9. Prior to any demolition works to the existing Port Royal toilet block, details of temporary toilet provision shall be submitted to and approved in writing by the Local Planning Authority. The temporary toilets shall be provided in accordance with the approved details and be made available for public use prior to commencement of any demolition work and shall remain until the new toilets, as indicated on Drawing 1446-PL230 Rev C are constructed in full. The new toilets shall be made available for public use prior to first use of the Drill Hall as a restaurant and shall be retained and maintained as toilets for public use for the

lifetime of the development. The public toilets shall be available for use every day of the week and as a minimum between the hours of 8am and 10pm between the dates 3<sup>rd</sup> April - 30<sup>th</sup> September and 8am and 7pm between 1<sup>st</sup> October - 2<sup>nd</sup> April unless alternative hours are previously agreed in writing by the Local Planning Authority.

(Reason: To ensure adequate toilet provision at the site in accordance with Policy 25 - Eastern Town Community Assets of the Sid Valley Neighbourhood Plan 2018 - 2032.)

10. Prior to first use of the restaurant and bar hereby approved, the Splash Wall that encloses the external dining area, as shown on Drwg 1446 – PL223 REV C shall be constructed in full and shall be retained and maintained as such for the lifetime of the development.

(Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with policy EN21 (River and Coastal Flooding) of the Adopted East Devon Local Plan 2013-2031.)

#### NOTE FOR APPLICANT

Not CIL Liable

Informative:

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

Please note that any adverts, including the indicated wording 'Rockfish' shown on the splash wall may require separate advertisement consent before being installed.

#### Plans relating to this application:

1446-PL221 Rev D	Proposed Floor Plans	25.10.23
1446-PL223 Rev C: South	Proposed Elevation	25.10.23
1446-PL224 Rev D: North	Proposed Elevation	25.10.23
1446-PL225 Rev D: East	Proposed Elevation	25.10.23

1446-PL226 Rev D: East/West	Proposed Elevation	25.10.23
1446-PL201 Rev B: & Block Plan	Location Plan	28.07.23
1446-PL219 Rev B	Block Plan	28.07.23
1446-PL220 Rev A: Basement	Proposed Floor Plans	28.07.23
1446-PL222 Rev C: First	Proposed Floor Plans	28.07.23
1446-PL230 Rev C: Public Toilets	Proposed Elevation	28.07.23

#### 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.

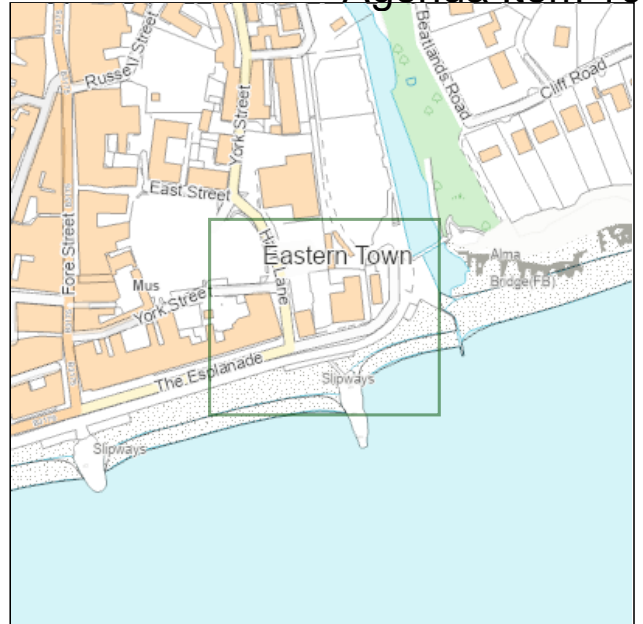
**Ward** Sidmouth Town

**Reference** 24/0823/FUL

**Applicant** Naomi Cook

**Location** Sidmouth Lifeboat The Lifeboat Station The Esplanade Sidmouth EX10 8BE

**Proposal** Extension and alterations to existing lifeboat station.



**RECOMMENDATION: Approval with conditions**



		<b>Committee Date: 18.06.2024</b>
<b>Sidmouth Town (Sidmouth)</b>	<b>24/0823/FUL</b>	<b>Target Date: 19.06.2024</b>
<b>Applicant:</b>	<b>Naomi Cook</b>	
<b>Location:</b>	<b>Sidmouth Lifeboat The Lifeboat Station</b>	
<b>Proposal:</b>	<b>Extension and alterations to existing lifeboat station.</b>	

**RECOMMENDATION: Approval with conditions**

### **EXECUTIVE SUMMARY**

**This application is brought before the Planning Committee owing to the applicant being a related to an EDDC employee.**

**The application site is Sidmouth Lifeboat Station, which sits on the sea facing esplanade at the eastern end of the town. The site is within the Sidmouth Town Centre Conservation Area is also within flood zone 3.**

**The proposal involves the extension of the existing building to provide better launching facilities for the smaller 'Sea Rider' lifeboat which is currently housed within a garage to the rear of the site. The scheme would also include a new meeting and training room at first floor level and internal reconfigurations to the ground floor of the building. The proposal is intended to speed up launch times and to provide better facilities for crew members and staff.**

**The Parish Council are in support of the scheme and no objections to the scheme have been received from any statutory consultees. Sidmouth Lifeboat provides a valued local service which benefits the community and visitors to Sidmouth and the surrounding coastline. The proposal would preserve and enhance the character and appearance of the conservation area and complies with policies contained within the East Devon Local Plan and the Sid Valley Neighbourhood Plan. On this basis the scheme is recommended for approval, subject to conditions.**

## **CONSULTATIONS**

### **Local Consultations**

Parish/Town Council  
SUPPORT

### **Technical Consultations**

Natural England - No Objection

Environmental Health – Condition recommended re site working hours

South West Water – request that water run off hierarchy to be addressed. Applicant has provided additional information to meet this requirement.

### **Other Representations**

Two third party representations to the proposal have been received, both objecting to the proposal.

A summary for the reasons for refusal is as follows:

- Loss of cycle parking for swimmers a result of the development
- The size of the building will take away the natural beauty of the surrounding area
- Increased footfall and vehicle movements for local residents
- Further bicycle storage would be beneficial as would more public seating

## **PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
98/P0849	Extension To Boathouse	Approval with conditions	23.06.1998

## **POLICIES**

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

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 26 (Development at Sidmouth)

Strategy 48 (Local Distinctiveness in the Built Environment)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

EN5 (Wildlife Habitats and Features)

EN8 (Significance of Heritage Assets and their Setting)

EN10 (Conservation Areas)

EN14 (Control of Pollution)

EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment Systems)

EN21 (River and Coastal Flooding)



EN22 (Surface Run-Off Implications of New Development)  
RC6 (Local Community Facilities)  
TC7 (Adequacy of Road Network and Site Access)  
TC9 (Parking Provision in New Development)

### Sid Valley Neighbourhood Plan (Made)

Policy 1 - Sid Valley Development Principles  
Policy 2 – Protection of Key Views  
Policy 7 - Local Distinctiveness  
Policy 20 – Protection and Enhancements of Community Facilities and Assets  
Policy 22 – Eastern Town Redevelopment  
Policy 23 - Eastern Town Access  
Policy 24 – Eastern Town Maritime Heritage

### Government Planning Documents

NPPF (National Planning Policy Framework 2023)

### Site Location and Description

The existing lifeboat station in Sidmouth sits on the eastern end of the seafront Esplanade. Sidmouth Lifeboat is a self-funded independent lifeboat charity that provides a life saving search and rescue service between Axmouth and Budleigh Salterton. The original lifeboat station was based opposite the current site on the corner of The Esplanade and York Street between 1869 and 1912, when the service was disbanded. The service was set up again in the 1960s, and in 1998 a new lifeboat, the 'Sidmouth Herald' was purchased, which required a longer boathouse. The current lifeboat house was created through the significant extension of an existing 1930s building on the Esplanade in Sidmouth. The building was extended again in 2007, to the rear, to provide a training room, changing facilities and tractor store.

The site is within the Sidmouth Town Centre Conservation Area and is within flood zone 3.

### Proposed Development

The existing lifeboat station has two lifeboats; the Artic 24 which is housed within the main building, and the Sea Rider, which is stored in an external remote garage accessed through Ham East car park to the rear of the station.

The site adjacent the existing lifeboat station is currently in use as a boat park for the nearby Watersports Hub, but is within the ownership of the lifeboat station. The proposals indicate a two storey extension to enable all lifeboats and associated lifting equipment to be housed under one roof, to reduce existing boat launch and recovery times. The proposal also seeks to provide improved facilities and circulation for crew and staff.

The proposed two storey extension sits to the east of the current lifeboat station, and measures approximately 7 metres wide by 7.5 metres deep. The proposed ground floor extension would contain a boathouse for the Sea Rider, and the second boathouse would be an independent garage for use by the adjacent Watersports Hub. The proposed first floor extension would contain a larger crew room for training purposes and a separate private meeting room. The large gable window would provide operational views over the boat launch and recovery site. The proposal would also allow for the reconfiguration of the existing ground floor space to provide additional space for changing and drying of kit. The existing garage housing the Sea Rider boat would be returned to the use of the Watersports Hub.

The proposed extension is conceived of as a third gabled form to the east of the existing building. The ground floor boathouse doors are proposed as being in timber with glazed porthole windows, whilst the first floor training room has large glazed bi-fold doors with a glazed gable apex over and a Juliet balcony.

## ANALYSIS

The main issues for consideration are the principle of development, the visual impact and design of the extension upon the character and appearance of the area, and the flood risk.

### Principle of Development

The application site is within the Built-up Area Boundary (BuaB) of Sidmouth therefore Strategy 6 applies. Its provisions permit growth and development within the BuAB where, among other things it would be compatible with the character of the site and its surroundings; would not lead to unacceptable pressure on services and would not adversely affect flood risk; would not damage and, where practical, support promotion of wildlife or townscape interests, and would not impair highway safety or traffic flows.

Policy 24 'Eastern Town Maritime Heritage' of The Sid Valley Neighbourhood Plan lends support to the retention of the lifeboat station on the site and the provision of safe access to the sea. The neighbourhood plan highlights the special identify of the area as a place with connections to the sea and to the site's maritime history. The lifeboat station is identified as a facility of community value under Policy 20 of the Sid Valley Neighbourhood Plan. The policy states that proposals that seek to improve existing community facilities will be supported subject to considerations of visual and amenity impacts. The policy is similar in its aims to Policy RC6 – Local Community Facilities of the Local Plan.

As such the principle of an extension to the existing lifeboat station is in accordance with Strategy 6 and Policy RC6 of the Local Plan and Policies 20 and 24 of the Sid Valley Neighbourhood Plan.

## Design impact on character of site

The existing Esplanade facing elevation consists of the main gabled boathouse which was constructed in 1998 and the smaller gabled section with a projecting first floor bay window which is the earliest part of the building and dates from the 1930s. The existing building is predominately finished in a cream coloured render, with a contrasting blue render plinth. The existing fascias, soffits and the vertical cladding to the projecting bay window are also in a blue painted finish.

The existing building sits on the corner of York Terrace and Ham Lane, right up to the back of the pavement. The area to the east of the site is currently a boat park for the Sidmouth Watersports Hub, and their building sits 12 metres to the east of the current lifeboat station. The boat park has vertical timber boarded fencing and a metal gate set slightly back from the rear of the pavement. The proposed extension would extend the frontage of the lifeboat station further along the Esplanade, with the access to the boat park being retained between the two buildings.

The proposed extension looks to continue the language of the existing building in terms of both the form of the building and the proposed palette of materials. The extension is conceived as a third gabled form which reflects the existing building, with the proposed ridge line just below the ridge line of the tallest gable of the existing building.

The proposed first floor training room has large full height bi-fold doors with a glazed gable apex over. A glazed Juliet balcony balustrade with stainless steel handrail would allow the doors to be fully opened. Below the training room, the two timber boathouse doors have glazed porthole windows which help to enliven the elevations and provide glimpses into the boat storage areas when the doors are shut. The application documents state that privacy blinds would be fitted behind should they be required for operational reasons.

The materials for the extension have been chosen to suit the harsh marine environment in which the building sits. The proposed extension has a zinc roof, as opposed to the man-made slate roof to the rest of the building. The proposed zinc roofing would extend to the fascias, and would be complemented by zinc guttering and downpipes. The proposed roof cladding would allow the extension to be distinguishable from the existing building, and would provide a robust, high quality and long lasting finish. The proposed colour is 'quartz' which is a slightly lighter grey than the existing slate. The first floor of the extension will be clad in fibre cement cladding, the appearance of which will reflect that of the original bay window cladding but will provide a more durable finish given the highly exposed nature of the site. The piers between the doors are proposed to be off white painted render to match the predominant colour of rest of the building and both the render and blue cladding will continue around to the rear of the proposed extension.

As such, it is considered that the proposed design and scale of the building is considered to be acceptable and in accordance with Policy D1 of the Local Plan and Policy 7 of the Sid Valley Neighbourhood Plan.

## Heritage

The view along York Terrace, looking east along the seafront, is identified as a key public viewpoint in both the Sid Valley Neighbourhood Plan and the Sidmouth Conservation Area Appraisal. In addition to this, the buildings to the west of the site are noted in the conservation area appraisal as being key buildings which make a significant contribution to the townscape. The buildings further west along York Terrace are predominantly Grade II listed. The buildings are significantly taller than the existing lifeboat station and have largely unspoilt frontages with significant ornamental detailing in the form of ornamental balustrades, verandas, sash windows and corncicing.

The site's location within Sidmouth's Town Centre conservation area means the proposal will only be permitted where it would preserve or enhance the appearance and character of the area. The character of the very end of the seafront esplanade where the lifeboat sits is very different to the period terraces along the rest of the seafront. The buildings at the eastern end are much more utilitarian and robust in character, reflecting their purpose and the functional nature of the buildings. The current area between the lifeboat station and the Watersports Hub, which comprises an area of tarmac with a timber boarded fencing behind, detracts from the character of the area therefore the proposal has the potential to enhance the character of the conservation area.

The appearance of the proposed extension reflects its functional requirements and the proposed form of the extension reflects both the existing building and the nearby Drill Hall which is also part of the 'Eastern Town' area as defined in the Sid Valley Neighbourhood Plan. The scheme proposes the use of good quality materials that will stand up to the harsh marine environment and are of a sufficient quality to ensure they will enhance the conservation area. The proposal indicates that all new and replacement windows within the scheme will be in stained accoya timber in a natural finish. The scheme proposes the replacement of the existing boat house doors, and both these and the new boathouse doors will be in stained iroko timber in a natural finish, with double glazed vision panels. Rainwater goods are also proposed in zinc.

The proposals indicate the replacement of the existing timber fascias and soffits to the existing lifeboat station with 'Trespa' high pressure laminate boarding in blue colour to match the colour of the existing fascias and render plinth. Traditional materials would be preferred within the conservation area but given that predominantly natural building materials are proposed, the use of this material in the very limited areas proposed is considered acceptable.

The proposed extension is very slightly recessed behind the current façade of the building by approximately 150mm. When seen in the context of the key public viewpoint along the esplanade the proposal would make a very negligible change to the view. The proposal includes the provision of a couple of rooflights to the first floor to increase daylight levels within the building, which have been positioned to the rear north facing elevation of the building to reduce the visual impact upon the Esplanade facing elevation. In addition, the scheme proposes the installation of several solar panels and these have been positioned on the south facing roof slopes

to avoid any detrimental impacts to the significant views along the Esplanade. The proposal also indicates that the existing ground floor brickwork of the Watersports Hub would be rendered and painted to match the lifeboat station. The existing brickwork is a red wirecut brick that is not reflective of the characteristic materials of the conservation area whereas the proposed render would enhance the Watersports Hub and give a sense of cohesion to the two buildings.

Given the above it is considered that the proposal would preserve the maritime character of the site and enhance the appearance and character of the conservation area, in line with Policy EN10 of the Local Plan and Policy 2 of the Sid Valley Neighbourhood Plan.

### Landscape Impact

There are no areas of landscaping as such around the building given the relatively tight urban nature of the site. The pavement immediately in front of the two new boat park garages will be re-laid to allow for a dropped kerb in front of the garages. This is proposed as being re-laid in concrete paving to match the rest of the adjacent pavement around the building. A new metal gate is proposed to the boat parking area which will open outwards and swing against the proposed boat hub wall. A neighbour comment received commented on the lack of public seating proposed in the scheme but given the operational requirements to keep the garage access clear to enable emergency access there is insufficient space to provide this.

Given the above it is considered that the proposal complies with Policy D1 of the local plan and Policy 7 of the Sid Valley Neighbourhood Plan.

### Residential / Neighbour Amenity

The proposed extension sits to the east of the existing building, as far as possible away from any nearby dwellings. A neighbour comment expressed concerns about increased noise levels as a result of increased footfall and vehicle movements. It is more likely the proposal would result in reduced noise for neighbours as the smaller Sea Rider boat, which is currently garaged some distance to the rear of the building, will be able to be launched immediately from the building rather than three crew members having to bring the boat along York Street and onto the Esplanade prior to launching. It is not envisaged that the proposal would lead to more vehicular movement to and from the site, but it will provide additional space within the building to allow crew members to move more easily and efficiently around the building and therefore to respond to callouts faster.

Environmental Health have raised concerns about the impacts of the proposal on nearby neighbours during the construction period. As such a condition would be imposed upon any approval to restrict construction working hours to 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. They have also requested that the applicant follows the council's Construction Sites Code of Practice prepared by Environmental Health and adopted by the council in order to ensure that any impacts are kept to a minimum. This is available on the council's website.

With the necessary condition in place, it is considered that the proposal complies with Policy D1 and EN14 of the Local Plan.

#### Highways, access and parking

A proposed dropped kerb is indicated on the site plan outside the two boathouses which would need to be strong enough to take a small boat on lightweight trailer. The proposal retains the existing access to the boat car park between the two buildings. The proposed extension is set 2.4 metres back from the front edge of the road in order to provide a 2.4 metre by 43 visibility splay in either direction suitable for the speed of the road. Devon County Highways have not commented on the application.

A neighbour comment has been received in respect of the loss of the existing three cycle parking stands that currently sit in front of the timber boarded fence to the east of the lifeboat station. These are being replaced outside the Watersports Hub building and will be available for the use of lifeboat staff and the public, as per the current cycle stands. The site does not currently have any car parking spaces and no additional parking is proposed.

As such the proposal complies with Policies TC7 and TC9 of the Local Plan and Policy 23 of the Sid Valley Neighbourhood Plan.

#### Ecology / biodiversity

The application is accompanied by a Preliminary Roost and Nest Survey. A visual search of the interiors and exteriors of the building found no evidence of bats and it was noted that the roofing slates and fascias were secure with no access points for bats. The report makes recommendations in respect of the protection of wildlife during the course of the works. The report also recommends ecological mitigation, in the form of a bird nesting box. As agreed with the ecologist, this is indicated as being fitted to the north elevation of the existing boathouse.

There are currently two large floodlights fixed to the south eastern corner of the station, facing eastwards. Two additional floodlights will be fitted about the proposed Searider and Watersports Hub boathouse doors which will be needed for operational requirements for call outs out of daylight hours.

With the appropriate condition in place to ensure the appropriate mitigation measures are in place during the course of the works, the proposal is considered to be acceptable and in accordance with Policy EN5 of the Local Plan.

#### Drainage

The existing building is surrounded by hardstanding. The southern sections of the building discharge onto the beach via outfalls from the seawall and the northern sections discharge into a combined sewer. Given that the proposal looks to erect an extension over an area of existing hardstanding the scheme would not lead to an increase in run off rates. The surface water run off implications of the proposal have been fully considered by the applicant. Rainwater harvesting or the use of soakaways is not practical owing to the very constrained nature of the site.

Rainwater run off from the south of the roof will therefore continue be directed to the existing surface water drain along York Street which discharges via the seawall to the beach, and rain from the north of the building will continue to discharge to the combined sewer. The number of users proposed within the building is unchanged from the existing building therefore there will be no change to foul sewage outputs from the building.

As such the proposal complies with Policy EN19 and EN22 of the Local Plan.

### Flood risk

The application site falls within Flood Zone 3 and to this end a flood risk assessment has been submitted with the application. The building is at risk from tidal flooding and the potential for wave overtopping of the sea defences.

A sequential test would not be required as the proposals would be classed as 'minor development' as defined in the PPG. Lifeboat stations are classified as 'water compatible' development and as such the proposal is not subject to the exception test. The proposed development would not lead to an alteration in run off rates therefore would not lead to any potential increase in flood risk in areas outside the site boundary.

The proposed building would utilise flood resilient materials to a height of 600mm to ensure flooding does not cause permanent damage. Electrical fittings would be installed at 600mm above finished floor level and it is recommended that non-return valves are fitted to foul sewer connections within the building to prevent backflow of sewage. The report also recommends that any fuel storage cans within the building are stored outside of the areas at risk due to wave overtopping.

Based on the nature of operations at the site, users of the building are well informed of weather hazards and tidal conditions such that potentially hazardous conditions would be well understood and could be acted on promptly.

Given the above considerations, the proposal complies with EN21 of the Local Plan and Policy 22 of the Sid Valley Neighbourhood Plan.

### Summary / Conclusion

The proposal would support the continuing presence of the sea based activities within the 'Eastern Town' area of Sidmouth. Sidmouth Lifeboat provides a valued local service which benefits the community and visitors to Sidmouth and the surrounding coastline. The proposal would preserve and enhance the character and appearance of the conservation area and complies with policies contained within the East Devon local plan and the Sid Valley Neighbourhood Plan. On this basis the scheme is recommended for approval, subject to conditions.

### **RECOMMENDATION**

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.  
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.  
(Reason - For the avoidance of doubt.)
3. The development shall be carried out in accordance with the recommendations and mitigation measures contained within the Preliminary Roost and Nest Survey carried out by Ecological Surveys Ltd dated 23rd January 2024.  
(Reason - In the interests of ecology in accordance with Policy EN5- (Wildlife Habitats and Features) of the East Devon Local Plan.)
4. No works for the construction of the development hereby permitted shall be undertaken on Sundays or Public Holidays. On other days no construction work shall be undertaken outside of the following hours: 08:00 hours and 18:00 hours Mondays to Fridays inclusive and 08:00 hours and 13:00 hours on Saturdays.  
(Reason - To protect adjoining occupiers from excessive noise in accordance with Policies D1 - Design and Local Distinctiveness and EN14 - Control of Pollution of the Adopted East Devon Local Plan 2013-2031.)
5. Prior to its installation, details of the proposed glazed balustrade 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.  
(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 and Policy EN10 - Conservation Areas 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:

19 REV P3	Sections	17.04.24
18 REV P4	Sections	17.04.24
17 REV P3	Other Plans	17.04.24



16 REV P4	Sections	17.04.24
15 REV P4	Proposed Elevation	17.04.24
14 REV P4	Proposed Elevation	17.04.24
13 REV P3	Proposed roof plans	17.04.24
12 REV P3	Proposed Floor Plans	17.04.24
11 REV P3	Proposed Floor Plans	17.04.24
10 REV P3	Proposed Site Plan	17.04.24
	Location Plan	19.04.24

#### List of Background Papers

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

#### Natural England

##### SUMMARY OF NATURAL ENGLAND'S ADVICE NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Natural England's generic advice on other natural environment issues is set out at Annex A.

SEE SCANNED DOCUMENTS FOR FULL REPORT AND ANNEX A

#### Environmental Health

I have considered the application and note that this site is close to nearby residents who may be impacted during the construction process. Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. We would request the applicant to consult and follow the council's Construction Sites Code of Practice prepared by Environmental Health and adopted by the council in order to ensure that any impacts are kept to a minimum. This is available on the council's website.

#### South West Water

Proposal: Extension and alterations to existing lifeboat station.

With reference to the planning application at the above address, the applicant/agent is advised to contact South West Water if they are unable to comply with our requirements as detailed below.

#### Surface Water Services

The applicant should demonstrate to your LPA that its prospective surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable

(with evidence that the Run-off Destination Hierarchy has been addressed, and reasoning as to why any preferred disposal route is not reasonably practicable):

1. Water re-use (smart water butts, rainwater harvesting, grey flushing toilets)
2. Discharge into the ground (infiltration); or where not reasonably practicable,
3. Discharge to a surface waterbody; or where not reasonably practicable,
4. Discharge to a surface water sewer, highway drain, or another drainage system; or where not reasonably practicable,
5. Discharge to a combined sewer. (Subject to Sewerage Undertaker carrying out capacity evaluation)

Having reviewed the applicant's current information as to proposed surface water disposal for its development (domestic roof and driveway run off only) Please note that discharging to the public combined sewerage network is not an acceptable proposed method of disposal, in the absence of clear evidence to demonstrate why the preferred methods listed within the Run-off Destination Hierarchy have been discounted by the applicant.

For Highway run off please contact the Highway Authority to agree disposal method. I trust this provides confirmation of our requirements, however should you have any questions or queries, please contact the Planning Team on 01392 442836 or via email: [DeveloperServicesPlanning@southwestwater.co.uk](mailto:DeveloperServicesPlanning@southwestwater.co.uk).

Kind regards,

The Pre-Development Team

SEE SCANNED DOCUMENTS FOR ASSET MAP AND WATER & SEWER KEY

### **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** Dunkeswell And Otterhead

**Reference** 24/0673/OUT

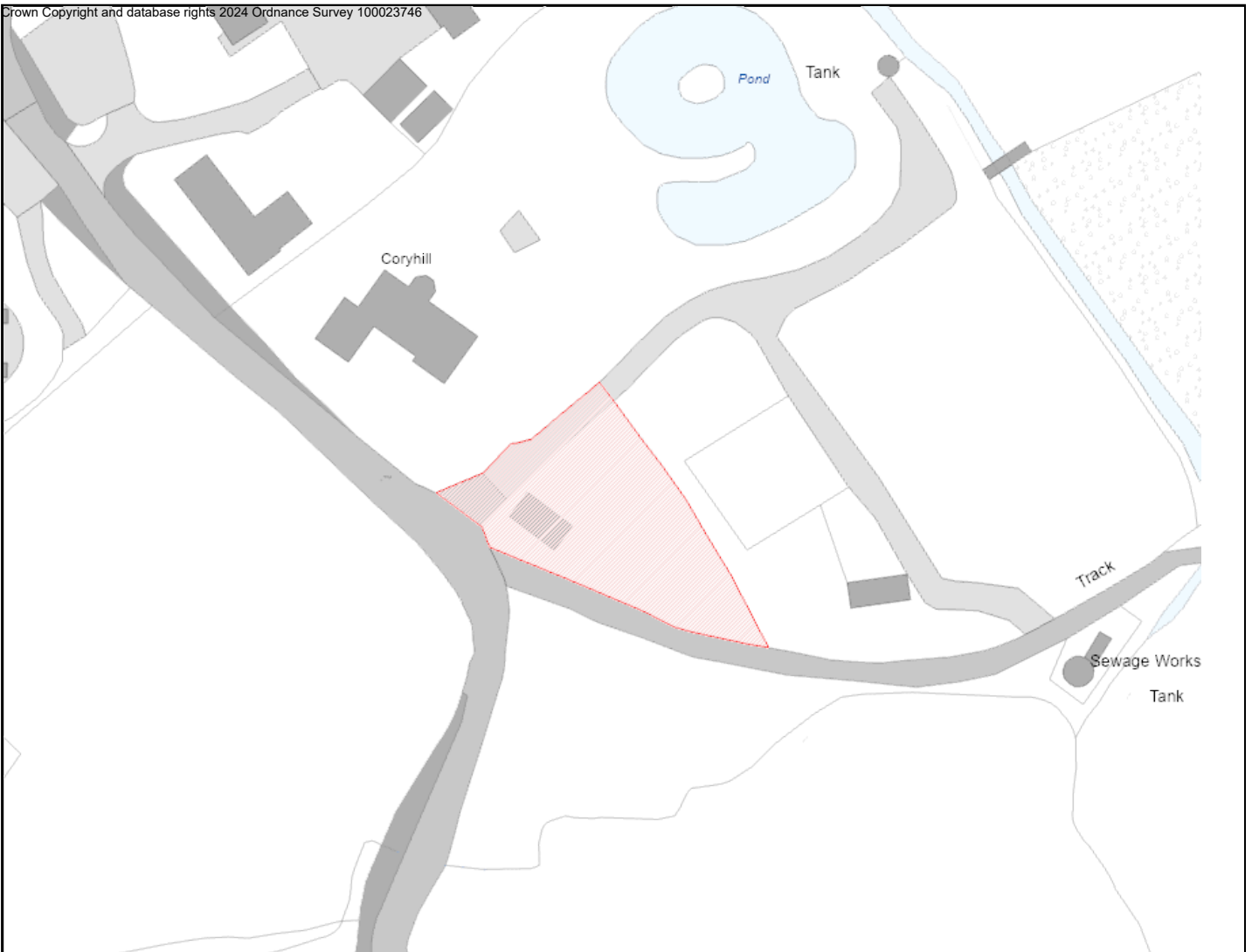
**Applicant** Mr and Mrs Padget

**Location** Cory Hill Combe Raleigh EX14 4TQ

**Proposal** Outline permission sought (with all matters reserved other than access) for construction of a single storey dwelling



**RECOMMENDATION: Refusal**



		<b>Committee Date: 18.06.2024</b>
<b>Dunkeswell And Otterhead (Combe Raleigh)</b>	<b>24/0673/OUT</b>	<b>Target Date: 20.05.2024</b>
<b>Applicant:</b>	<b>Mr and Mrs Padget</b>	
<b>Location:</b>	<b>Cory Hill Combe Raleigh</b>	
<b>Proposal:</b>	<b>Outline permission sought (with all matters reserved other than access) for construction of a single storey dwelling</b>	

**RECOMMENDATION: Refusal**

#### **EXECUTIVE SUMMARY**

The application is before the Committee for consideration as supported by both local Ward Members and also the Parish Council.

Outline permission is sought (with all matters reserved other than access) for the construction of a single storey dwelling on a triangular plot to the south of the host property.

Cory Hill is a detached two storey dwelling set in the substantial grounds of a former horticultural business located on the southern edge of the hamlet of Combe Raleigh, approximately 1 mile north of Honiton High Street. The site is within Blackdown Hills National Landscape. The hamlet has a church and Parish hall but no other facilities. Bus stops are c. 700m north east of the site along unlit rural lanes with no footways or street lighting and challenging gradients.

Set on c. 3.2 Hectares, when the business ceased, through various planning consents the agricultural tie on Cory Hill (or 'Coryhill') was lifted, a change of use granted to domestic garden, and the horticultural buildings to commercial. The commercial buildings were subsequently demolished and four dwellings erected.

Having regard to the principle, 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. There is no such policy which permits an open market dwelling and the proposal is contrary to the spatial strategy.

**For sustainability and accessibility reasons, Strategy 3 ‘Sustainable Development’, Strategy 5B ‘Sustainable Transport’ and Policy TC2 ‘Accessibility of New Development’ all seek to ensure developments are located close to services, facilities, amenities, and public transport to minimise the need to travel by car and reduce reliance on fossil fuels. Combe Raleigh is not a sustainable location.**

**Individually and cumulatively with past domestication of the land, the landscape character would be further eroded and detract from the natural beauty of the national landscape.**

**In circumstances whereby the planning history reflects there are now five open market houses where there was once a horticultural business and tied dwelling, the spatial strategy does not support a further open market dwelling. There is no development plan policy which supports it and additional built development will inevitably adversely impact the local rural character and the natural beauty of national landscape would be further eroded. Accordingly, notwithstanding local support, the personal circumstances of the applicants who wish to downsize and remain in the hamlet, is not of sufficient weight to set aside local plan policy and the requirement for decisions to be taken in accordance with the development plan. Accordingly, refusal is recommended.**

## **CONSULTATIONS**

### **Local Consultations**

#### Parish/Town Council

At the Parish Meeting of 23 April 2024, the Parish Meeting recommended that the Planning Authority approve planning application 24/0673/OUT.

#### Dunkeswell And Otterhead - Cllr Colin Brown

Sorry for the late response, at the present time I support this application in my opinion it is similar to application 19/1525/FUL which was granted on appeal, there is a regular bus service from this proposed site into Honiton town and schools, Honiton itself is less than 15 minutes walking distance to Combe Raleigh, bus journey time 4 minutes.

If the officers opinion is different from mine I would like it to go to committee where I will keep an open mind until I have heard all the comments both for and against.

#### Dunkeswell And Otterhead - Cllr Yehudi Levine

I support this application.

### **Technical Consultations**

#### District Ecologist

The proposed mitigation, creation and enhancement measures are considered appropriate and proportional to the predicted impacts for the proposed scale of development, assuming they are fully implemented.

Should the proposal be minded for approval the following conditions are recommended:

The works shall be carried out in strict accordance with Sections 6, 7 and Appendix 3 of the Ecological Impact Assessment (Lakeway Ecological Consultancy, March 2024). Prior to first use of the building, a written record shall be submitted to the local planning authority detailing how works proceeded in accordance with the EclA report, to include photographs of the installed ecological mitigation and enhancement measures as detailed within the report.

Under no circumstances should any external lighting be installed without prior consent from the local planning authority. Any lighting design should be fully in accordance with BCT/ILP Guidance Note 08/2023.

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), Policy EN5 (Wildlife Habitats and Features), and Policy EN14 (Control of Pollution) of the Adopted East Devon Local Plan 2013-2031.

#### Blackdown Hills AONB Project Partnership

In support of planning policy, the Blackdown Hills AONB Management Plan 2019-2024 is the agreed policy framework for conserving and enhancing the AONB and seeks to ensure that all development affecting the area is of the highest quality. It contains the following policies of relevance to development proposals:

#### Planning and development PD2

All necessary development affecting the AONB will conserve and enhance natural beauty and special qualities by:

- Respecting landscape character, settlement patterns and local character of the built environment,
- Being sensitively sited and of appropriate scale,
- Reinforcing local distinctiveness, and
- Seeking to protect and enhance natural features and biodiversity

The site is well defined and self-contained adjacent to existing development at the edge of the village. Utilising and sharing an existing access will serve to limit effects on the lane. If minded to approve this application, retention of existing hedges will be important and ultimately the design and detail of the dwelling will be critical in terms of contributing to conserving and enhancing the AONB.

#### Other Representations

12 representations of support received:

- It will release a family home bringing another young family into our village to keep it alive and will allow two people to remain in the village.
- We need more housing in Devon.
- The design of the site will have no detrimental impact on village layout and views.
- The location does not impact any of the neighbours or the village as a whole.

- Our village has a disproportionate number of second/holiday homes limiting the number of permanent residents.
- It will have no adverse effect on the AONB
- Traffic will not be significantly increased.
- Both properties would be within walking distance of the town of Honiton, which would support the economy of Honiton.
- Without some development the village risks stagnation

## **PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
89/P0778	Dwelling	Approved	16.6.1989
89/P1778	Dwelling	Approved	11.10.1989
00/P0744	Variation Of Restricted Occupancy Condition Attached To Planning Permission 89/p0778	Temporary approval	24.5.2000
05/2482/VAR	Removal of agricultural tie condition	Approved	14.12.2005
06/0903/COU	Change of use of redundant nursery buildings to light industry and storage ( B1 & B8 )	Refused	22.5.2006
06/2376/COU	Change of use from horticultural to domestic garden		25.9.2006
12/1846/OUT	Demolition of light industrial and office buildings and construction of 4 no. four bedroom dwellings and provision of car park for village use and land for village amenities	Approved	18.1.2013
08/2903/FUL	Single storey timber storage building	Approved	02.1.2009
06/3399/COU	Change of use of nursery buildings to light industrial (class B1) & storage distribution (class B8) and change of use of adjacent horticultural land to	Approved	15.2.2007

	form part of the residential curtilage of 'Coryhill'		
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## **POLICIES**

### East Devon Local Plan 2013-2031

Strategy 1 (Spatial Strategy for Development in East Devon)  
 Strategy 2 (Scale and Distribution of Residential Development)  
 Strategy 3 (Sustainable Development)  
 Strategy 5 (Environment)  
 Strategy 5B (Sustainable Transport)  
 Strategy 7 (Development in the Countryside)  
 Strategy 27 (Development at the Small Towns and Larger Villages)  
 Strategy 46 - Landscape Conservation and Enhancement and AONBs  
 Strategy 47 (Nature Conservation and Geology)  
 D1 (Design and Local Distinctiveness)  
 EN5 (Wildlife Habitats and Features)  
 EN22 (Surface Run-Off Implications of New Development)  
 TC2 (Accessibility of New Development)  
 TC7 (Adequacy of Road Network and Site Access)  
 TC9 (Parking Provision in New Development)

### National Policy

National Planning Policy Framework 2023  
 National Planning Policy Guidance

### Site Location and Description

Located on the southern edge of the hamlet of Combe Raleigh, historically the site was part of a horticultural business which started in 1971 and which covered around 3.2 Ha. When the business ceased, through various planning consents the agricultural tie on Cory Hill (or 'Coryhill' which appears to be used interchangeably) was lifted, a change of use was granted for the nursery buildings to business use and the land to domestic garden associated with Cory Hill. The commercial buildings were subsequently demolished and four dwellings erected.

Cory Hill itself is a detached two storey five bedroom detached dwelling set in the substantial grounds of the former horticultural business. The four dwellings are located to the north of Cory Hill. The application site is a triangular plot to the south of Cory Hill. The plot has substantial hedgerow boundaries including one of mixed elm and western red cedar to the southern boundary closest to the public highway. The land is laid to grass with a number of young apple trees located centrally. The site borders open countryside and a sewage treatment works.

The site is approximately 115m from the access to the junction with St Nicholas Church via a narrow unlit rural lane with no footways. Access to the hamlet is via a narrow unlit rural lane with no footways. There is a Parish Hall c. 400m from the site access, but no other amenities in the hamlet.

Combe Raleigh is approximately 1 mile north of Honiton High Street and the site is within Blackdown Hills National Landscape. The nearest bus stop is to the north east of the site approximately 700m along the rural lanes.



## Proposal

Outline planning permission (with all matters reserved other than access) is sought for the construction of a single storey dwelling. The means of access is the existing access for Cory Hill, which would become a shared access. Details of the appearance, landscaping, layout, and scale are reserved for future consideration.

The planning statement explains that the dwelling would be occupied by the current ageing occupants of the five bedroom property, Cory Hill, however it should be noted that the proposal is for an open market dwelling which could in fact be occupied by anyone.

## ANALYSIS

The main issues are considered to be:

- The principle of development
- Sustainability/ Accessibility
- Landscape, Character, and Appearance
- Residential Amenity
- Highway Considerations including Safety
- Ecological Impact
- Arboricultural Impact
- Surface Water and Foul Drainage

### The principle of development

Strategies 1 and 2 of the Local Plan set out the scale and distribution of residential development in the District for the period 2013-2031. The main focus is on the West End and the seven main towns. Development in the smaller towns, villages and other rural areas is geared to meet local needs and represents a much smaller proportion of the planned housing development. As a small rural hamlet with few amenities, only a church and Parish Hall, Combe Raleigh is not considered to be a sustainable location for additional residential development.

In planning terms the site is in the countryside, outside of a built-up area boundary (BuAB) as defined by the East Devon Local Plan. 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.

There is no Local Plan policy which permits an open market dwelling. As such, the requirements of Strategy 7 are not met, the proposal is contrary to the provisions of the development plan as a matter of principle and contrary to the NPPF taken as a whole. In circumstances whereby there are insufficient amenities or services within safe walking or cycling distance to meet day to day needs, reliance on car travel would be very high. The spatial strategy is predicated on meeting the housing needs of the District in locations where there are opportunities for safe active travel and access to regular and convenient public transport, about which more is said below.

The Local Plan explains development in the countryside outside defined boundaries will be resisted, unless on the merits of the particular case, there is a proven agricultural, forestry or horticultural need, or it will meet a community need that is not or will otherwise not be met or

there is another clear policy justification. Cory Hill once met such a horticultural need but is no longer tied. There is no justification for a further open market dwelling on this land.

The second part of Strategy 7 is considered further below, including issues surrounding development within the Blackdown Hills National Landscape.

The NPPF 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 tilted balance in favour of sustainable development need not be applied.

For the most part the personal circumstances of applicants are not usually relevant to planning considerations. That said, it is possible that the LPA could consider the personal circumstances of an applicant in a particular case to be a material consideration. There would need to be sound planning reasons for this and having regard to the duty on the LPA to take decisions in accordance with the development plan, considered as part of the balance of planning considerations, personal circumstances would seldom be the overriding consideration, such that on the balance of planning considerations the provisions of the development plan could be set aside. The personal circumstances of the applicants, that they are getting on in years, wish to downsize and remain living locally are in no way unusual, overriding, or sufficient to set aside the aims of the spatial strategy and development plan policy.

As such, there is no overriding material consideration upon which to base any departure from local plan policy and the proposal, being contrary to strategies 1, 2 and 7, paragraph 11 of the NPPF and the NPPF taken as a whole is unacceptable as a matter of principle.

#### Sustainability/ Accessibility

In addition to the spatial strategy policies considered above, Strategy 3 'Sustainable Development' advises the objective of ensuring sustainable development is central to our thinking and includes consideration of factors such as the prudent use of natural resources, which includes minimising fossil fuel use therefore reducing carbon dioxide emissions. As such, developments which are heavily reliant on car travel are not considered sustainable. This is central to the spatial strategy and a new dwelling in a hamlet like Combe Raleigh

without adequate services and facilities to meet day to day needs is not supported under Strategy 3.

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 be well related to compatible land uses so as to minimise the need to travel by car.

The nearest settlement to the site other than the hamlet of Combe Raleigh which does not have services, facilities, and amenities to meet day to day living needs, is Honiton, which has a built-up area boundary (BuAB) and is listed under Strategy 23. Under Strategy 27, if communities wish to promote development other than that which is supported through this strategy and other strategies in the Plan, they will need to produce a Neighbourhood Plan or promote community led development (for example Community Land Trusts) justifying how and why, in a local context, the development will promote the objectives of sustainable development. There is no Neighbourhood Plan covering Combe Raleigh and this is not the case here.

Combe Raleigh has no basic services, facilities, or amenities other than a church and Parish hall. The planning statement advises that there is an approved farm shop 50m away. However, it appears that permission has not been implemented and is time expired. The site lies c. 1 mile north of the High Street in Honiton. The nearest bus stop is c. 700m north east of the site via an unlit rural lane with challenging gradients where, in the absence of continuous footways and lighting, pedestrian and cyclist safety and convenience is a significant issue of concern. 'Walkable neighbourhoods' are typically characterised by having a range of facilities within 10 minutes (up to 800m) walking distance of residential areas which residents may access comfortably on foot. No such facilities, either the services or the footways, exist. The bus stops are not easily and safely accessible on foot by all. They provide a limited service from Seaton, Colyton, Honiton, Taunton. There are 5 buses per day with the last bus leaving Honiton at 1740. To gain access to the nearest services and amenities at Honiton is not considered easy or safe for pedestrians or cyclists, particularly at night, and in such circumstances, reliance on car travel would be high. Conflict with Policy TC2 'Accessibility of New Development' arises for all the journeys required by a household to access services and amenities. Residents of the development would need to travel to and beyond the village to access essential facilities such as a GP surgery, shops, employment, and reliance on a private vehicle would be high.

It is clearly apparent that this is not a sustainable location for new residential development and approval would be in conflict with the provisions of the development plan.

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.

As a result the location of the development is not considered to meet the provisions of Strategies 3 and 5B and Policy TC2 of the Local Plan, there is no policy support for an open market dwelling which would increase reliance on car travel and the proposal is an

unsustainable form of development. Conflicts with policy and guidance are not outweighed by personal circumstances.

### Landscape, Character, and Appearance

The Local Plan advises all development in the countryside should have regard to the District Landscape Characterisation Assessment (LCA), so as to take account of the different roles and character of different areas.

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 the Blackdown Hills National Landscape. Strategy 46 'Landscape Conservation and Enhancement and AONBs' advises development will need to be undertaken in a manner that is sympathetic to and helps conserve and enhance the quality and local distinctiveness of, the natural and historic landscape character of East Devon, in particular in Areas of Outstanding Natural Beauty, and sets criteria to be met.

Paragraph 182 of the NPPF states that great weight should be given to conserving landscape and scenic beauty in AONB. This is consistent with the duty on the decision maker under the CROW Act to conserve the natural beauty of the National Landscape.

A number of development plan policies and provisions within Section 12 of the NPPF 'Achieving well-designed places' seek to ensure development is appropriate to its setting and is of an acceptable design, including paragraph 135, for development to add to the overall quality of the area, be visually attractive as a result of good architecture, layout, and appropriate and effective landscaping and sympathetic to local character and landscape setting.

In addition to being within the Blackdown Hills National Landscape, an Area of Outstanding Natural Beauty, the site also lies within landscape Character Type (LCT) 3A. 'Upper farmed and wooded valley slopes'. One of the key characteristics of this landscape type is 'frequently remote and tranquil with little modern development.' The impact of the proposal on the National Landscape and countryside requires careful consideration. The National Landscape is protected by the Countryside and Rights of Way Act 2000 (CROW Act), which sets out the roles and responsibilities of the LPA, who have a duty to make sure that all decisions have regard for the purpose of conserving and enhancing the natural beauty of the National Landscape. Decisions must consider the potential effect it will have within the National Landscape and land outside its boundary.

The application is in outline where matters including appearance, landscaping, layout, and scale are not under consideration at this stage. Indicative drawings have been produced showing how a single-storey 2 x bedroom bungalow could be accommodated on the site with space for car parking and turning area. There would be sufficient garden area provided surrounding the plot.

The National Landscape officer considers the site is well defined and self-contained adjacent to existing development at the edge of the village. Utilising and sharing an existing access will serve to limit effects on the lane. If minded to approve this application, the National

Landscape officer advises retention of existing hedges will be important and ultimately the design and detail of the dwelling will be critical in terms of contributing to conserving and enhancing the AONB.

The site is well screened from the public highway and retention of the hedges would be essential in screening the development in public views. Having regard to the key characteristics of the National Landscape and Landscape Character Area, as 'frequently remote and tranquil with little modern development', further modern residential development, individually and cumulatively with past residential development permitted within the grounds of the former horticultural business, would further alter the balance between the natural and built environment, would not conserve the natural beauty of the National Landscape and gives rise to conflict with policies aimed at protecting the countryside for its own intrinsic value, thereby being contrary to the aims of Strategy 47 and paragraph 182 of the NPPF and the provisions of the NPPF read as a whole.

### 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 would result in a degree of impact on the amenities of the occupiers of Cory Hill, largely arising out of noise disturbance from vehicles from the change from private access to shared access, 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 sufficiently away from the boundaries of the site and screened such that it is not considered that the proposed dwelling would result in any significant harm to the amenities of the occupiers of Cory Hill. No conflict with the amenity aspects of policy D1 arise.

### Highway Considerations including 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 would use the existing access to the site and provide a driveway and turning area within the site. Whilst no car parking spaces are annotated, there is space to provide for off-street parking. The existing access is located on a bend in the lane and visibility is not ideal. The gate is recessed and it is possible to get a car off-street on the forecourt apron. Whilst the introduction of a new dwelling on the site will increase the number of traffic movements to and from the site over and above the way it is currently used, as a single dwelling with access onto a lightly trafficked rural road with a 30mph speed limit, serving a small hamlet, where traffic levels and speeds are low, on balance no undue significant highways safety concerns arise. The proposal would comply with the provisions of policies TC7 and TC9 of the Local Plan. However, given visibility is limited, this weighs at best neutrally in the planning balance.

### 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 supported by an Ecological Impact Assessment (EclA) with a walkover of the site undertaken in February 2024. The report provides a review of ecology related information submitted with the application in relation to adopted policy, relevant guidance, current best practice, and existing site context and should be read in conjunction with the submitted information. The proposals include the removal of species poor modified grassland and 7 small fruit trees in addition to the demolition of a timber framed workshop. The EclA considers these habitats to be of limited ecological value with no adverse impact to protected or notable species. The building was inspected by a suitably qualified licenced ecologist; no evidence of bat use was found.

The site is bounded by two hedgerows, which the EclA considers having the potential to support nesting birds, dormice, commuting bats, reptiles, and hedgehogs. The proposals include the retention of these two hedgerows; therefore, adverse impacts to protected or notable species onsite is unlikely, and no further surveys are required.

The District Ecologist considers the proposed mitigation, creation and enhancement measures are considered appropriate and proportional to the predicted impacts for the proposed scale of development, assuming they are fully implemented.

Should the proposal be minded for approval, issues including biodiversity net gain could be addressed by condition.

#### Arboricultural Impact

An initial tree constraints appraisal report has been submitted with the application. There are no notable trees within the site. A group of young apple trees within the middle of the site would be re-planted. The boundary hedges which are clipped would all be retained including the front boundary hedge. A development could be achieved sufficiently distant from boundary hedges and trees to avoid undue impacts.

#### Surface Water and Foul Drainage

Flooding/ Drainage – Although close to flood zones 2 and 3, the site itself lies within flood zone one and is at low risk of flooding. It is outside any critical drainage area. Surface water is proposed to be discharged by means of a sustainable drainage system. As such, matters could be addressed by condition.

### **RECOMMENDATION**

REFUSE for the following reasons:

1. The site is within the countryside where residential development is restricted in accordance with the spatial strategy. The location is not well related to services, facilities, and amenities to serve the day to day needs of future occupiers, and in the absence of safe, convenient access for all pedestrians and cyclists to such facilities and given the distance and gradients to the nearest bus stops, the proposal would result in increased reliance on car travel and is an unsustainable form of development.

The proposal would be contrary to the provisions of Strategy 1 (Spatial Strategy for Development in East Devon), Strategy 2 (Scale and Distribution of Residential Development), Strategy 3 (Sustainable Development), 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.

2. The proposal would inevitably introduce modern built development, and having regard to the natural beauty of the National Landscape and the key characteristics of the Landscape Character Area as 'frequently remote and tranquil with little modern development', such development would, individually and cumulatively, alter the balance between the natural and built environment and would not conserve the natural beauty of the National Landscape and local landscape character, contrary to the aims of Strategy 46 (Landscape Conservation and Enhancement and AONBs), paragraph 182 of the NPPF and the provisions of the NPPF read as a whole.

## NOTE FOR APPLICANT

Informative: Confirmation - CIL Liable

This Informative confirms that this development is liable to a CIL charge.

Any queries regarding CIL please email [cil@eastdevon.gov.uk](mailto:cil@eastdevon.gov.uk).

### Plans relating to this application:

Location Plan            25.03.24

08.01 Rev A Vehicle tracking - Refuse    Other Plans    25.03.24

08.02 Rev A Vehicle tracking - Fire Tender    Other Plans    25.03.24

08.03 Rev A Vehicle tracking - Car            Other Plans    25.03.24

SK02.00 Rev A Highway access    Other Plans    25.03.24

### List of Background Papers

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

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

Human Rights Act:

The development has been assessed against the provisions of the Human Rights Act 1998, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This

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

**Equality Act:**

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



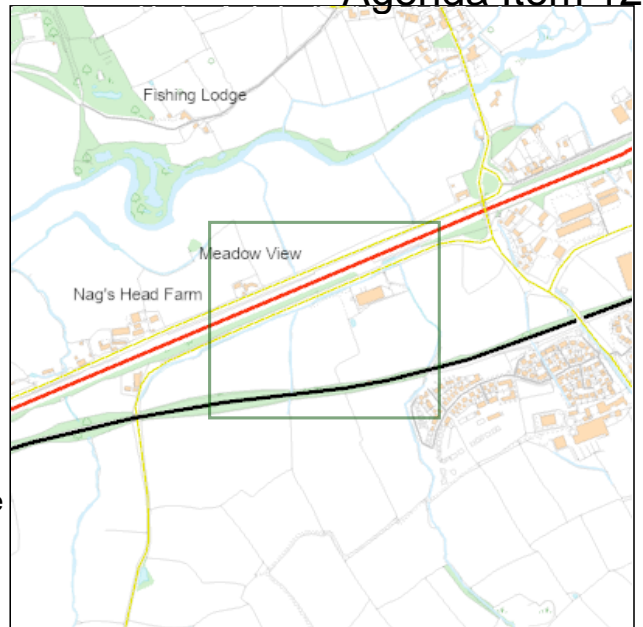
**Ward** Feniton

**Reference** 22/2723/FUL

**Applicant** Mr Justin Lascelles

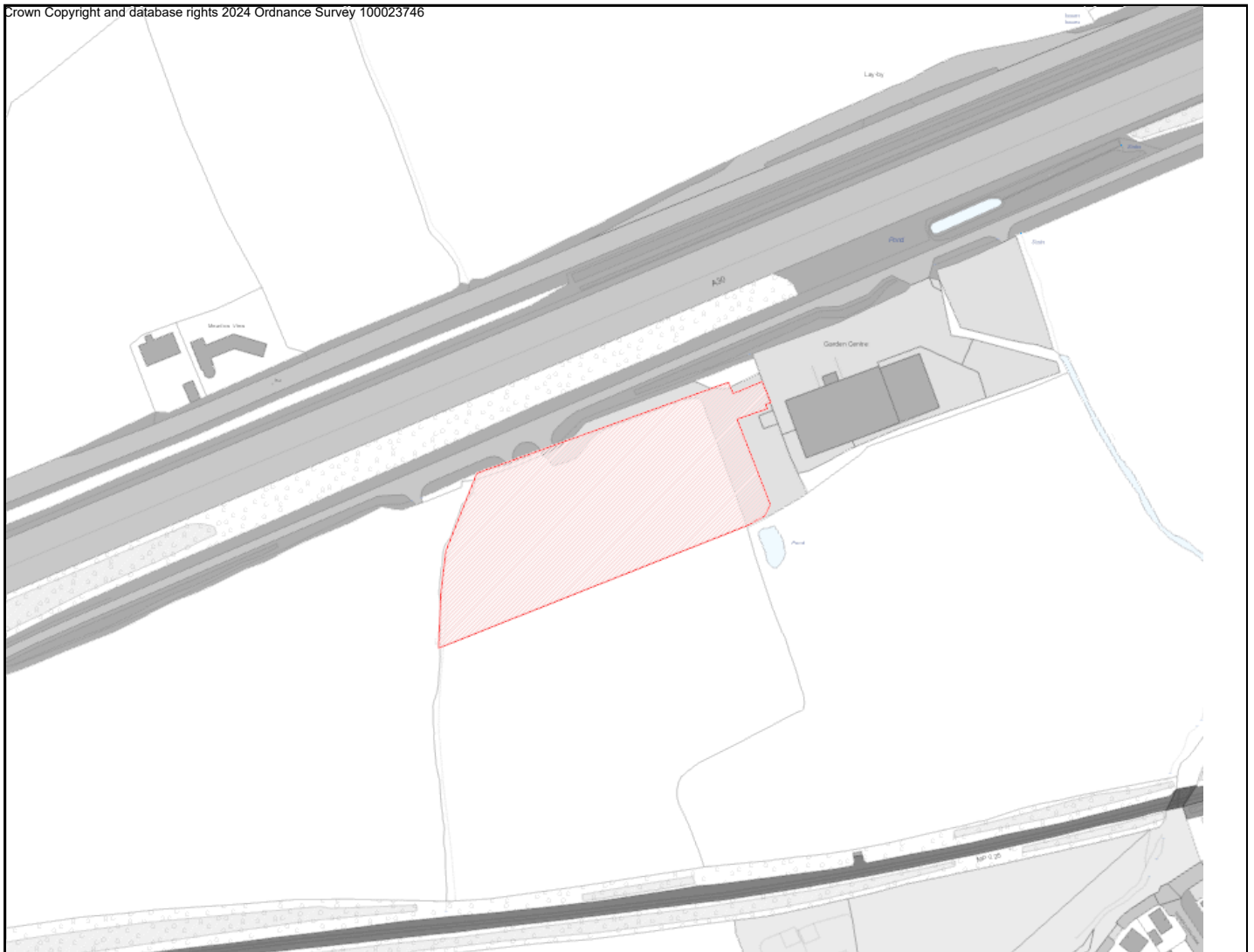
**Location** Combe Garden Centre Hayne Lane Gittisham  
Devon EX14 3PD

**Proposal** New farm shop and associated landscaping  
works adjacent to the site of the existing Combe  
Garden Centre.



**RECOMMENDATION: Approval with conditions**

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		<b>Committee Date: 18.06.2024</b>
<b>Feniton (Gittisham)</b>	<b>22/2723/FUL</b>	<b>Target Date: 13.02.2023</b>
<b>Applicant:</b>	<b>Mr Justin Lascelles</b>	
<b>Location:</b>	<b>Combe Garden Centre Hayne Lane</b>	
<b>Proposal:</b>	<b>New farm shop and associated landscaping works adjacent to the site of the existing Combe Garden Centre.</b>	

**RECOMMENDATION: Approval with conditions**

#### **EXECUTIVE SUMMARY**

**This application is brought before the Planning Committee as the proposal is a departure from the adopted Local Plan.**

**The proposal relates to the development of a farm shop and ancillary cafe and kitchen, storage, office, staff room and toilet facilities, together with provision of outside car parking, deliveries/storage yard, eating area/garden and play area, on a portion of a field immediately to the west of the existing Combe Garden Centre.**

**Both the application site and the garden centre premises form part of the Combe Estate and are located alongside Gittisham Lane, around 250-300 metres to the west of Hayne Lane. Both are also located within the defined Built-up Area Boundary of Honiton as well as an area of around 15 hectares that is allocated in the adopted Local Plan for employment development and to which Strategy 23 of the Plan directs B class uses. The proposal would therefore be a departure from this allocation.**

**On the face of it the development, whilst clearly providing for some employment, may not achieve the objectives of the Local Plan, which are to increase the supply of employment land, improve average income levels and diversify the sectors where jobs can be found. There is also a risk that the attraction of the location to B class businesses could be reduced as a result of the introduction of a form of retail use.**

**However, the garden centre aside, no part of the remainder of the allocated land has been developed since the adoption of the current Local Plan in 2016 and there are currently no plans in place for such development. Moreover, the evidence presented by existing development on the nearby Heathpark Industrial**

Estate, where retail uses sit alongside B class uses, would suggest that the development would be unlikely to diminish the appeal of the location to businesses.

The location of the site would also not affect access to the remaining land within the allocation or the potential for the future development of larger scale business units.

Any future proposals for non-B class uses would be considered by the Authority on their particular merits having regard to the sequential approach of directing such uses to town centre or edge of centre sites first. Furthermore, in the event that B class uses are not forthcoming, the requirement to ensure that the employment and economic growth objectives of the Local Plan and the potential for the site to attract larger businesses, is not undermined would remain.

Such proposals would also need to be assessed in light of prevailing economic circumstances at the time, including demand for employment land and updated employment projections that may emerge as part of the new Local Plan.

Fundamentally, the development would provide a use that, by its very nature, would be largely ancillary to the current agricultural use of the surrounding land that forms part of the extensive Combe Estate and, more specifically, the setting for the application site itself.

A farm shop would provide employment as well as an outlet for the sale of produce from the Combe Estate land. Moreover, it would enable the diversification and ongoing sustainability of the operations of the Combe Estate as a whole. It is also likely that it would support other local businesses supplying products for sale and underpin, and potentially enable the growth of, local employment.

Taken together with the absence of any objections based on other material considerations, the overall balance of factors is considered to weigh in favour of the development and approval is recommended subject to conditions, mainly to ensure that a policy-compliant level of produce that is sold is sourced locally so as to avoid potential adverse effects upon the vitality and viability of Honiton town centre but also to address more contextual issues.

## **CONSULTATIONS**

### **Local Consultations**

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

Parish councillors resolved to object to this application for reasons of prematurity, highways and flooding. The highway upgrade required is not addressed by this application to enable decision-making, and there is no secure pedestrian access to the centre (contrary to information provided in this application). The road approaching the centre is single carriageway, with no provision for pedestrians. However, pedestrians use this road currently including parents with pushchairs, and

it is impossible to hear approaching traffic because of the noise created by the A30. Additional facilities in the application would potentially increase the footfall and therefore risks to pedestrians and other road users.

The area already has issues with run-off and flooding.

### **Technical Consultations**

#### County Highway Authority

No objections subject to conditions (Full consultation response at end of report)

#### EDDC Landscape Architect

No objection subject to conditions (Full consultation response at end of report)

#### National Highways

Recommend conditions be attached to any planning permission granted

#### EDDC Trees

I am pleased to note the design of the access has been amended to enable more of the hedgerow/scrub adjacent to Hayne Lane to be retained.

I have no objection subject to a revised tree protection plan (TPP) being submitted in support of the amended access arrangements.

If consent is granted for the application there should be a condition requiring submission of a TPP and arboricultural method statement (AMS)

#### DCC Flood Risk SuDS

No objection subject to condition (Full consultation response at end of report)

#### Environmental Health

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

#### Devon County Archaeologist

I refer to the above planning application and the receipt of the report setting out the results of the archaeological field evaluation undertaken at the above site.

In the light of the results of these archaeological investigations no further archaeological mitigation is required. As such, I would like to withdraw the Historic Environment Team's previous comments and instead offer no comments on this planning application.

(This consultation response follows earlier consultation comments that are set out at the end of the report.)

#### EDDC Economic Development

Support.

#### Other Representations

26 representations of support and one 'neutral' representation have been received.

### Summary of Grounds of Support

1. Relocation of farm shop would relieve increase in traffic on Hayne Lane resulting from the new housing, which is not safe.
2. Easier access to the proposed site with better parking facilities, especially for those with mobility issues.
3. Combe garden centre and farm shop are linked enterprises, so it can be expected that a shared location would provide opportunities to improve sustainability, co-managing the site to maximise energy efficiency and environmental sensitivity.
4. Increased employment opportunities for local people and enhanced marketing opportunities for local food producers and other suppliers, boosting the local economy.
5. A successful local business that always has the community at the centre of its development plans.
6. Access for pedestrians no different to the current location so should not be used as a reason to object.
7. Combe Garden Centre is an example of what the building would look like and how its natural appearance is sympathetic to its surrounding area.
8. Relocation and expansion of the farm shop would provide a valuable platform to showcase and celebrate local produce.
9. By reducing food miles and promoting seasonal produce, the shop contributes to minimising carbon footprint and encouraging a more responsible approach to consumption.
10. Development on land allocated for employment use.
11. Farm Shop is a valuable asset to the area and is only being held back in providing an even better service by its present location and the size of its current facilities.
12. The site is serviced by an existing bus route, so provides an additional means of transport.
13. Development will encourage more people to shop for locally produced, sustainable produce, thereby further supporting the wider local economy.
14. With the large numbers of public visiting the garden centre, the position next door will help both businesses.

### Summary of 'Neutral' Representation

1. Increased usage of narrow access road which, combined with the garden centre, will further increase numbers of vehicles using the road.
2. There is only one small passing place before the garden centre is reached when approaching from Hayne Lane.
3. The road needs to be widened and a pedestrian footway provided to allow traffic to pass easily and prevent accidents and so pedestrians can feel safe to walk to the garden centre and farm shop.

### **RELEVANT PLANNING HISTORY**

07/0858/COU - Change of use and alterations to outbuildings to form farm shop (Full). Approved 26/11/07.

### **POLICIES**

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 1 (Spatial Strategy for Development in East Devon)

Strategy 3 (Sustainable Development)

Strategy 4 (Balanced Communities)

Strategy 5B (Sustainable Transport)

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 23 (Development at Honiton)

Strategy 30 (Inward Investment, Communication Links and Local Benefits)

Strategy 31 (Future Job and Employment Land Provision)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 50 (Infrastructure Delivery)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)

EN7 (Proposals Affecting Sites which may potentially be of Archaeological Importance)

EN13 (Development on High Quality Agricultural Land)

EN14 (Control of Pollution)

EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment System)

EN22 (Surface Run-Off Implications of New Development)

E2 (Employment Generating Development in Built-Up Areas)

E11 (Large Stores and Retail Related Uses in Town Centre Areas)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

(There is no neighbourhood plan in force for Gittisham parish.)

### Government Planning Documents

NPPF (National Planning Policy Framework 2023)

## **ANALYSIS**

### Site Location and Description

The site, which extends to approximately 0.88 hectares in area, comprises the northern portion of a field to the immediate west of the Combe Garden Centre premises. Both the site and the garden centre are accessed via a 'C' class road (Gittisham Lane) that extends west off Hayne Lane, around 400 metres to the east, and connects it with Gittisham village. However, the lane and part of a hedge that defines the site frontage with it are incorporated within National Highways' 'soft estate' along the southern side of the adjacent A30 Trunk road to the north.

Neither the site nor the surrounding area are the subject of any landscape or other designations. However, the wedge of land between the road and the railway line to the south - which extends to around 15 hectares in total and of which the site forms part - is within both the Built-up Area Boundary (BuAB) of Honiton (albeit in Gittisham parish) and an Employment Allocation as defined in the adopted Local Plan.

Both the application site and wider employment allocation are within the ownership of the Combe Estate.

### Proposed Development

The application proposal relates to the development of a new farm shop complex.

The applicants have indicated that it is intended to replace the existing outlet at nearby Hayne Farm. However, it is not known at this stage what the future intentions are for these premises.

The scheme would comprise a main building, incorporating retail floor space with ancillary cafe/sitting area and kitchen, toilets, storage areas and a staff room and office, with, externally, a deliveries/storage yard and associated access road, outdoor eating/garden and play areas and a car park with 57 spaces indicated on the submitted site layout plan, including 5 spaces for disabled users.

The main building itself would exhibit a form, design, scale and external appearance to largely match that of the comparatively recently constructed garden centre building on the adjacent site to the east. This comprises a principal two storey core of gabled form, oriented north west/south east, off which a pair of identically proportioned subservient single storey 'wings' - again gabled in form and with shallow, wide-spanning pitched roofs - would extend to the east and west. Externally, the building would be finished with vertical timber cladding on a face brick plinth under profiled roof sheeting. Full height powder-coated aluminium-framed windows, incorporating glazed doors, similarly framed, are featured on the main (north west) elevation of the principal two storey core and within part of the south western elevation; the latter to provide light to, and access/egress to and from, the proposed

cafe/sitting area. A lean-to entrance canopy with glazed roof would be attached to the latter.

The installation of arrays of solar photovoltaic panels to the rear (south eastern) and south western elevations of the building are also shown, indicatively, together with a series of roof lights on the front, south western and north eastern elevations.

The building would measure 26 metres in width, with the inclusion of the two single storey wings, by a maximum depth of 26 metres with the two-storey core presenting a roof ridge height of 7.9 metres. The two single storey wings would themselves both measure 8.4 metres in width by a depth of 22.1 metres with maximum roof ridge heights of 5.2 metres (the proposed outdoor sitting and entrance areas would be slightly raised above surrounding ground levels).

Internally, total floor space provision at ground and (mezzanine) first floor level, the latter housing a storage area together with the staff room and office, would amount to 582 sq. m. and 82 sq. m. respectively (664 sq. m. in total). The proposed retail area would comprise around 320 sq. m. with the cafe/sitting area a further 170 sq. m. and a 'tradeable floor area' of 450 sq. m. Storage space provision would total 131.5 sq. m. with 33 sq. m. of B1 office space also provided.

Vehicular access would be taken from a new entrance off Gittisham Lane to be formed at the western corner of the site a short distance to the west of an existing field gateway. The latter would be stopped up through native hedge planting with the existing hedge between this and the prospective new entrance reinforced with additional planting. However, since these are in part outside of the site and on land within the control of National Highways, their agreement would be required.

A hedge/tree belt would also be introduced along the southern boundary of the site with the remainder of the field area.

During the course of the application, revised site layout details have been submitted to show the retention of a greater length of the existing hedge along the Gittisham lane frontage of the site; this owing in part to the partially ownership of the hedge by National Highways but also to address concerns raised by the Council's Landscape Architect regarding the loss of a significant length of the hedge.

### Considerations/Assessment

The proposal falls to be considered having regard to the following material issues that are discussed in turn.

### Principle of Development

As stated above, the site forms part of a much larger strategic land allocation for employment development. This is in line with Local Plan Strategies 1 (Spatial Strategy for Development in East Devon), which plans for provision of 150 hectares of land for employment purposes across the District, and 23 (Development at Honiton), which allocates the land for such purposes, in so doing specifying B Use Classes, as part of this provision. For this reason, the proposal, relating to a farm shop (i.e., retail) development, is regarded as a 'departure' from the development plan and has been publicised as such in accordance with statutory requirements.



(For clarification, and in the light of the changes to the Town and Country Planning (Use Classes) Order (UCO) introduced in 2020, reference to 'B' Class uses in the following paragraphs include former Class B1 (Business) uses now incorporated within Class E(g) of the UCO.)

As was the case with the proposal for the adjacent garden centre development submitted in 2017, there are two aspects of the employment strategy of the Local Plan to consider; first, the extent to which the provision of employment associated with the farm shop would conflict with the underlying reason for allocating the land for B Class uses and, secondly, whether the provision of a retail use would undermine the future provision of B Class uses on the remaining land by constraining neighbouring uses or 'opening the door' to further retail or other non-B Class uses.

The Local Plan sets out four key plan objectives in relation to jobs and economic growth. These are:

- a) Improve average income levels.
- b) Diversify the sectors where jobs can be found.
- c) Improve local job opportunities.
- d) Reduce the need to travel by car to secure work and jobs.

Increasing the supply of land for all forms of employment (both B Class and non-B Class uses) is part of the solution but meeting the objectives also relies on attracting skilled jobs across a variety of sectors and providing employment opportunities close to where people live.

Chapter 11 of the Local Plan identifies the vision for Honiton as helping to sustain a vibrant and economically active town, meeting its own needs and those of the wider countryside. It goes on to state:

"We will seek to secure indigenous employment growth as well as inward investment to establish Honiton as a major employment and commercial focal point in East Devon."

This reflects the town's central location within the district and its excellent road and rail links which make it suited to accommodating larger occupiers. Allocation of the land for B Class uses rather than non-B Class uses ensures that sufficient land for B Class uses is available in a location which is likely to be attractive to businesses. If businesses can be attracted which require skilled employees, then most or all of the Local Plan objectives would be met in relation to jobs and employment.

In this context, on the face of it the provision of a farm shop would fail to secure the outcomes envisaged in the Local Plan. It would reduce the amount of land available for B Class uses, create mainly low paid jobs and fail to diversify the sectors where jobs can be found. There is also a risk that the presence of a retail use may deter some businesses who perceive the use to be incompatible with their operations.

However, this is likely to be a very small risk owing to the amount of land remaining within the allocation and is not borne out by existing development at Heathpark where retail uses sit alongside B Class uses. Furthermore, the position of the farm

shop site is such that it would not affect access to the remaining land or the potential for large scale business units to be developed.

In addition, no development of any part of the allocated land to the west of Hayne Lane for employment uses has been carried out since the approval of the 2017 application for the neighbouring garden centre development or, indeed, since the earlier adoption of the Local Plan in January 2016.

There are currently no plans for the development of the remainder of the allocated land and any such future proposals would be considered on their merits. Other proposals for non-B Class uses may well come forward, such as a gym, supermarket or restaurant. Retail and retail-related developments would be subject to the same policy requirements as the current proposal and such development would be directed to town centre or edge of centre sites in the first instance. Expansion of the farm shop, if permission is forthcoming, is perhaps the greatest risk as the same land owner owns most of the adjoining land.

If demand for use of the land for B Class uses does not arise then expansion of the farm shop or development of other non-B Class uses may be harder to resist. However, any such proposal would still be required to demonstrate that the employment and economic growth objectives of the Local Plan and the potential for the site to attract larger businesses would not be undermined.

These considerations aside, future proposals would need to be assessed in light of prevailing economic circumstances at the time, including demand for employment land and updated employment projections that may emerge as part of the emerging new Local Plan.

It is also recognised that the proposal would amount to the provision of a use that, by its very nature, would be largely complementary to the current agricultural use of the surrounding land that presently forms part of the extensive Combe Estate and, more specifically, the setting for the application site itself. Whilst it is acknowledged that it forms part of an Employment allocation, with an expectation that it would be eventually developed out, it is also part of the wider, predominantly rural estate that is managed by the applicants.

Whilst not a traditional B Class use, the farm shop would provide employment as well as an outlet for the sale of produce from the Combe Estate land. Moreover, it would enable the diversification and ongoing sustainability of the operations of the Combe Estate. It is also likely that it would support other local businesses supplying products for sale and underpin, and potentially enable the growth of, local employment.

In terms of the more detailed justification for the development, the applicants advise the following:

'The size of the (existing) shop, its layout and position make it sub optimal as a retail/café space. It is extremely energy inefficient making the cost of light, power and heat in the current climate circa 40% higher than it could and should be for a similar sized modern space with a better layout. The shop is very much off the beaten track and we benefit from very little passing trade. The fact that the

preparation, wash up and kitchen space are in the middle of the café and retail area mean that these also have to act as a thoroughfare making for a very inefficient use of space. The initial conversion carried out by the previous incumbents was done in a low-cost manner with little attention paid to insulation. The shared access with the residential and agricultural element of the complex means that there is often conflict with deliveries and other traffic.'

It is also highlighted that 'The EDDC environmental health officer has pointed out some improvements that need to be made which will be extremely costly and disruptive. For example, it is noted that the entire floor covering for the butchery area needs to be replaced. This alone will involve closure for a significant period of time and a significant investment in a sub optimal space as explained above.'

In relation to potential employment benefits that would arise, it has been advised that the existing employment at the current farm shop – comprising one full-time manager, a part-time and a full-time butcher, a full-time retail assistant and two part-time café/retail assistants – would transfer to the new location. Moreover, with the new premises intended to be larger, there would be the potential for an increase in employment as necessary.

Concerns regarding the duplication of existing ancillary café, kitchen, office, parking, etc. spaces between the neighbouring garden centre site and the proposed replacement farm shop in light of the perceived commonality of ownership have been addressed by the applicant as follows:

'(The two) will not be within the same ownership. Combe Garden Centre is a partnership between Richard Marker (Combe Estate) and his daughter Karissa Marker. The Farm Shop is wholly owned by Combe Estate. Having both businesses adjacent to each other helps provide more of a destination for shoppers who are coming out to the Garden Centre and provides a clear economic boost to both businesses which is especially important in the increasingly difficult economic climate and changing shopping habits. Support for local businesses is critical in the face of growing online competition and the hopefully complimentary nature of the two businesses will help to secure the future for both.'

At this stage, the future use(s) for the existing farm shop buildings at Hayne Farm are not yet known. It should be noted that there is nothing to prevent the existing farm shop use continuing should this new farm shop be approved and developed.

Notwithstanding the future intentions regarding the existing outlet, the current relocation proposals are required to be considered on their own merits.

In this regard, it is also drawn to Members' attention that the Council is currently engaged in the preparation, in partnership with the Combe Estate, of a masterplan for the allocated employment site (of which the application site forms part) as a whole owing to ongoing challenges, principally relating to viability issues, to the bringing forward of the land for development.

The allocation is the largest employment land allocation, in land area, within the District and, owing to an ongoing shortfall in employment provision across the District as a whole, there is a clear desirability to enable it to be developed. In addition, the

Council has ownership of a portion of the allocation close to the eastern Hayne Lane end. The masterplan is therefore intended to seek to address the implementation challenges to its development so as to unlock its potential.

The document identifies the application site for the farm shop 'relocation' project to which this current application relates.

In consideration of all of the above factors therefore, the principle of the development is thought to be acceptable.

However, as has been the case regarding previous farm shop proposals, there would be a need to apply, by condition, restrictions upon the proportions of produce/products for sale that are produced away from the holding on which the premises would be located, namely the Combe Estate, to ensure that these are in the overall minority.

A less restricted retail use of the prospective development could otherwise harmfully impact the viability of Honiton town centre unless such controls are in place.

The provisions of Local Plan Policy E9 (Town Centre Vitality and Shopping Areas) state, among other things, that the establishment of new shops that are outside of defined town centres, as in this case, would not be permitted if they would harm the convenience, vitality or viability of the town centre.

A condition is therefore recommended to control the proportion of produce/products that is/are sold from the proposed shop that is sourced both within the Combe Estates holding and elsewhere. The wording of this is in line with the provisions of Local Plan Policy E15 (Retail Development in Rural Areas outside Built-up Area Boundaries) which, although not strictly material to the consideration of the proposal owing to the site being within the BuAB of Honiton, are nevertheless thought to be relevant in terms of seeking to meet the objective of ensuring that the vitality and viability of the town centre is protected as referenced above.

#### Impact on Character and Appearance of Area

From both near distance and wider views that are available of the site from points of public vantage, along Gittisham Lane and the Weston road beyond Hayne Lane to the north east respectively, the development - and in particular the farm shop building itself - would appear very similar to that of the existing neighbouring garden centre.

It would also be viewed against a very similar backdrop of pastoral open countryside, interspersed with hedge and tree lines that rises gently behind the site to its south.

To an extent therefore, there would be some localised landscape harm arising from the proposal.

However, since the site forms part of the much larger land allocation for employment development, there is clearly an expectation that in future years the surrounding area will become intensively developed and will therefore be of markedly changed visual character to that at present in the medium to longer term.

Indeed, and notwithstanding this, even in the absence of the allocation, in the event that a farm shop proposal for the site were brought forward, it is considered doubtful whether an objection on the grounds of any adverse or harmful landscape/visual impact could be readily sustained.

The scale, form, design and appearance of the farm shop building itself would, as stated, directly reflect that of the adjacent garden centre. It is not considered therefore that these would be unduly out of character with the immediate site context or the wider open countryside of which the site currently forms part.

The scheme would therefore comply with Local Plan Policy D1 (Design and Local Distinctiveness) which, of generic application, requires (among other criteria) that proposals respect the key characteristics and special qualities of the area and relate well to their context.

#### Highways/Access/Parking

Access would be from Gittisham Lane which, although of single vehicle width for much of its length in the vicinity of the site, has passing places and a good level of forward visibility of oncoming traffic in both directions. It is likely that most of the trips generated by the farm shop would involve approach to the site from Hayne Lane which provides connections to the wider road network, including the A30, as well as the Heathpark Industrial Estate.

The County Highway Authority (CHA) raises no objection to the proposal; this being principally on account of the view that Gittisham Lane offers better visibility, both forward visibility and inter-visibility, than the entrance to the existing farm shop premises at Hayne Farm off Hayne Lane due, by comparison, to its more favourable geometry and largely level topography.

The consultation comments also acknowledge the absence of a dedicated footway/cycleway along Gittisham Lane. However, again it is felt that its width, road surface and verge maintenance is better than that of Hayne Lane adjacent to the existing farm shop.

The proposed vehicular access to the development would provide satisfactory levels of visibility in both directions whilst the proposal also includes an acceptable level of off-road parking and manoeuvring space for vehicles that would deter the likelihood of parking on the verges of Gittisham Lane.

Finally, the site is located where it is close to both a bus stop and a bus bay/passing place adjacent to the entrance to the garden centre. The road forms part of the route of Stagecoach services no. 44 and 44a connecting Honiton and Exeter that operate daily as well as a Dartline service linking Sidmouth and Taunton that incorporates Gittisham Lane as part of its route twice a day on Mondays and Thursdays.

By way of contrast, the present farm shop is a greater distance from a bus route which, aside from Gittisham Lane, extends along Devonshire Road within the Heathpark Industrial Estate to the east of Hayne Lane.

As such, although the likelihood is that the majority of trips that would be generated by the development would be car-borne, there would be greater potential for access by public transport than currently exists.

Reference is also made in the CHA's comments to the absence of any recorded accidents along Gittisham Lane or accidents associated with the adjacent garden centre site.

Taking these various factors into account therefore, no objections are raised to the proposal on highway safety grounds subject to recommended conditions to secure appropriately sized visibility splays, the laying of a hardened and drained entrance for a minimum of the first 10 metres off of the highway and the setting back of any entrance gates a minimum of 7 metres from the highway so as to ensure that larger service, delivery, etc. vehicles are able to stand clear of the road without causing any obstruction in the event that these are closed.

Separately, National Highways (NH) has, in its consultation comments, also acknowledged that the majority of vehicle trips that would be generated by the development would occur outside of the peak hours of 8.00 - 9.00am and 5.00pm - 6.00pm.

Moreover, it is also recognised that a proportion of such trips would be likely to be linked with those generated by the adjacent garden centre and therefore not additional to the road network.

Although the NH findings are made expressly in relation to the anticipated impacts of the scheme upon the safe operation of the A30 Trunk road, it is thought that the same arguments can be applied in relation to those upon Gittisham Lane.

As such, it is not thought that any objection to the proposal on grounds relating to the inadequacy of Gittisham Lane to accommodate any additional vehicle movements that are likely to be generated (notwithstanding the above) by the proposed farm shop could be readily sustained.

The proposal would therefore meet with the requirements of Local Plan Policy TC7 (Adequacy of Road Network and Site Access).

Furthermore, it is accepted that the level of on-site parking provision, which would be comparable with that serving the adjacent garden centre premises, itself of comparable size and scale to the proposed development, would satisfy the provisions of Policy TC9 (Parking Provision in New Development).

As such, although the sustainability credentials of the site and its location could be considered to be less than ideal in relation to the centre of Honiton, and more especially so if the present farm shop were also to continue operating, they arguably compare favourably relative to farm shops that occupy more isolated rural locations; more particularly given that the site, although within a currently largely undeveloped area, is within the town's BuAB. In the circumstances therefore, it is not considered that a strong highway-based objection to the proposal could reasonably be supported.

## Drainage

The application is accompanied by a completed foul drainage assessment that satisfactorily demonstrates that a foul sewer connection would not be available.

It is therefore proposed that foul drainage from the development be discharged via a package treatment plant to be installed in a position close to the site access so as to enable provision of an area for maintenance vehicles when emptying, cleaning and maintaining it. This would discharge to a watercourse.

This arrangement would be similar to that existing at the neighbouring garden centre.

A foul drainage assessment has been submitted with the application, the details within which comply with the standing advice issued by the Environment Agency in relation to the use of non-mains drainage systems.

As such and given that the use of package treatment plants represents the preferred option within the non-mains drainage hierarchy of preference as set out in Building Regulations, it is considered, subject to details, that this means of foul drainage disposal would be acceptable and in line with Local Plan Policy EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment Systems).

In terms of surface water drainage, preliminary details of a drainage strategy for the site have been submitted.

Ground investigation and soakaway testing have demonstrated, to the satisfaction of the Lead Local Flood Authority (LLFA), that the ground is not suitable for infiltration.

The proposed strategy would therefore principally involve the creation of a swale along the rear of a section of the existing road frontage hedge together with the installation of a cellular storage/attenuation tank beneath the proposed outdoor eating area and garden to provide an appropriate rate of controlled discharge during storm events, up to and including a 1 in 100 year plus 50% allowing for climate change, to an existing stream/ditch just beyond the existing hedge that defines the western site boundary.

The extent of the proposed impermeable surface areas within the site has also been decreased by around half from that originally proposed and it is now intended that the proposed parking spaces, outdoor eating/garden and play areas and access path be surfaced with either permeable block paving or gravel.

The detail supplied is now acceptable to the LLFA and is therefore, subject to the agreement of further details that can be secured by condition, considered to satisfy the requirements of Local Plan Policy EN22 (Surface Water Run-Off Implications of New Development).

Concerns raised by the parish council regarding flooding that occurs on Gittisham Lane and the attendant risks that this could be worsened in the event of a grant of permission for further development are acknowledged. However, this is not thought to represent a substantive ground upon which to resist the current proposal provided

that surface water that is generated by the development itself is appropriately attenuated.

In the light of the proposed surface water drainage strategy set out above, and subject to the conditioning of further details, it is considered that the development and site would be capable of being appropriately drained so as to avoid any increased risk of flooding along the highway.

### Ecology

The application particulars include an ecological impact assessment (EIA) report containing the results of an extended U.K. Habitat Classification survey together with subsequent Hazel dormouse, reptile and Great Crested Newt eDNA surveys carried out during the period March - July.

These established the presence of dormouse nests in both dense scrub to the north of the site and within the southern hedgerow boundary to the field, indicative of a wider presence within boundary hedgerows, together with a number of slow worms.

Mitigation and enhancement measures are therefore recommended in the form of: supervision of hedgerow, scrub and bank removal, sensitive timing of operations to avoid harm to nesting birds and dormice, habitat manipulation - principally through the mowing of grass - to dissuade reptiles prior to construction, provision of bat and bird boxes on the proposed farm shop building itself and the planting of new species-rich hedgerow to both compensate for the loss of hedge from part of the northern boundary and provide a net gain in habitat for a variety of wildlife. (New hedge and supplementary hedge planting are proposed along the southern and northern site boundaries respectively.)

The report also recommends, in order to avoid the risk of potential adverse effects upon foraging and commuting bats within and around the site, that any lighting should be designed so as to avoid any increase in light levels along the hedgerow boundaries and trees in accordance with Bat Conservation Trust and Institute of Lighting Professionals guidance.

A condition is therefore recommended, alongside a more generic landscaping condition, to ensure compliance with the mitigation and ecological enhancement measures set out in the ecology report.

In light of this, it is accepted that the development would comply with the provisions of Local Plan Policy EN5 (Wildlife Habitats and Features).

Additional to this, the EIA report acknowledges the separate additional requirement to obtain a protected species licence from Natural England for dormice, triggered by the intended removal of dense scrub and hedgerow.

National Planning Practice Guidance (PPG) requires that the Local Planning Authority is satisfied that a licence is likely to be granted before it grants planning permission.



To this end, it is required to consider proposals against three licensing tests for European protected species. If these are not satisfied, a licence cannot be issued and the developer may not be able to implement a grant of planning permission.

The proposals are assessed against the following three tests:

*1. The activity is for a certain purpose*

The removal of scrub and a comparatively short length of hedgerow is necessary to facilitate the creation of suitable and safe access to the site for both service and customer vehicles. When considered in the balance with the economic benefits that would be derived from the development, alongside the net additional hedge planting that would be introduced and overall biodiversity gain resulting from this, it is accepted that the proposed activity is justified.

*2. There is no satisfactory alternative to the activity that will cause less harm to the species*

The need to provide an independent vehicular entrance to the proposed farm shop is not considered to be unreasonable; more especially given the intention to both stop up an existing nearby field entrance with native species hedge planting and add to this by reinforcing it with additional planting. Any alternative proposal to adapt the existing entrance in order to create suitable access would equally likely require removal of some lengths of existing hedgerow to either side.

*3. The development does not harm the long-term conservation status of the species*

As stated, the proposals would incorporate the planting of new species-rich hedgerow to compensate for that lost along the northern boundary, as well as to reinforce the hedging to be retained, with the objective of providing an overall net gain in habitat for a variety of wildlife. As such and taken together with the other mitigation and enhancement measures set out above, it is accepted that the long-term conservation status of the protected species would not be harmed.

### Trees

The application is also accompanied by an arboricultural appraisal report, incorporating an arboricultural impact assessment, tree/hedge protection statement and plan (TPP) and arboricultural method statement (AMS) that sets out proposals for the installation of protective fencing in relation to the hedges along the Gittisham Lane frontage and existing western and eastern boundaries.

However, it is based upon the layout details that were originally submitted, which envisaged the removal of a more substantial length of the road frontage hedge than now proposed. There will therefore be a need to submit a revised TPP and AMS to reflect the layout changes. A condition requiring these to be provided is therefore recommended.

Subject to these amended documents being acceptable, there are no concerns or issues regarding the proposal from an arboricultural perspective. The site is otherwise entirely open and devoid of tree cover.

The development would, as a result, satisfy the requirements of Local Plan Policies D2 (Landscape Requirements) and D3 (Trees and Development Sites).

#### Archaeology

Archaeological site investigation, in the form of a programme of intrusive field evaluation comprising the excavation of five trenches, was carried out earlier this year in line with the recommendations of the County Council's Historic Environment Team (HET).

However, despite the site being located adjacent to known prehistoric and Roman-British settlement occupation, with evidence previously found beneath the site of the adjacent garden centre site, no further features, deposits or finds dating to these periods were present in the trenches.

Nevertheless, as a result of these investigations, the proposal meets with the provisions of Local Plan Policy EN7 (Proposals Affecting Sites which may potentially be of Archaeological Importance).

#### Conclusion

In concluding, it is thought that the proposed development would be acceptable given the prevailing circumstances and balance of the material considerations set out above.

Whilst there is some concern in relation to delivery of the Local Plan strategies for jobs, the economy and new retail development, the conflicts are considered to be relatively minor. In this case, there is every indication that the proposal would bring a number of benefits to the local economy which may be long lasting. Given the ability of the applicants to deliver the scheme and the proximity of the site to residential areas and complementary businesses in Honiton, the benefits are considered to outweigh the harm.

The scheme is also thought to be acceptable in terms of the remaining contextual issues set out above; namely landscape impact, highways safety (including access and parking), drainage, ecology, trees and archaeology.

Approval is therefore recommended subject to conditions, principally to ensure that the sources of produce for sale are consistent with the requirements of Local Plan Policy E11; this being to ensure that an open retail use is avoided in the interests of maintaining the vitality and viability of Honiton town centre.

### **RECOMMENDATION**

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.

(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.  
(Reason - For the avoidance of doubt.)
3. The goods available for sale from the premises shall only be sold from within the part of the building identified as 'Farm Shop' on the floor plan (drawing no. 1764-PL04 Rev. P1) hereby approved, of which a minimum of 60% of produce and products sold shall be sourced from produce solely grown or produced on land within the Combe Estate, a maximum of 30% being sourced and produced within 16 km. (10 miles) of the site and a maximum of 10% being sourced and produced elsewhere. A list of goods available for sale at the premises, including their source, or origin, shall be permanently maintained and made readily available to the Local Planning Authority upon request.  
(Reason - The proposal has been approved on the basis of it being a farm shop selling local agricultural produce linked to the production from the holdings of the applicant and in order to prevent unrestricted sales of goods produced from outside the local area which could impact on the vitality and viability of Honiton and other nearby settlements in accordance with Policy E11 (Large Stores and Retail Related Uses in Area Centres) of the adopted East Devon Local Plan 2013-2031.)
4. The 'Bar', 'Staff Accommodation' and 'Welfare Facilities' areas shown on the floor plan (drawing no. 1764-PL04 Rev. P1) hereby approved shall only be used for purposes ancillary to the farm shop and not as retail floor space.  
(Reason - To define the permission and to ensure that the scale and nature of the uses permitted are appropriate to their location and setting so as to avoid any potential adverse impact upon the vitality and viability of Honiton and other nearby settlements in accordance with Policy E11 (Large Stores and Retail Related Uses in Area Centres) of the adopted East Devon Local Plan 2013-2031.)
5. The areas identified as outdoor eating area and garden and play area on drawing no. 1764-PL03 Rev. P6 hereby approved shall be used solely for those purposes and only in association with the farm shop use of the site.  
(Reason - In the interests of the amenity of the area in accordance with Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan 2013-2031.)
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order, with or without modification), no mezzanine or other form of internal floor to create a first-floor level (other than that shown on drawing no. 1764-PL04 Rev. P1) shall be constructed in the farm shop building hereby permitted.  
(Reason - To enable the Local Planning Authority to retain control over the creation of additional floor space within the building and consider any potential

effects arising from such proposals upon the vitality and viability of Honiton town centre and other nearby settlements in accordance with Policy E11 (Large Stores and Retail Related Uses in Area Centres) of the adopted East Devon Local Plan 2013-2031.)

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order, with or without modification), no enlargement of the building hereby permitted shall be carried out without a grant of express planning permission from the Local Planning Authority.  
(Reason - To enable the Local Planning Authority to retain control over the creation of additional floor space within the building and consider any potential effects arising from such proposals upon the vitality and viability of Honiton town centre and other nearby settlements in accordance with Policy E11 (Large Stores and Retail Related Uses in Area Centres) of the adopted East Devon Local Plan 2013-2031.)
8. No development above foundation level shall take place until 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 has 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 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.)
9. No development above foundation level shall take place until a scheme of hard and soft landscaping of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the planting of trees, hedges, shrubs, herbaceous plants and areas to be grassed. The scheme shall also give details of hard surfaced areas and any proposed walls, fences and other boundary treatment. The landscaping scheme shall be carried out in the first planting season after commencement of the development, unless any alternative phasing of the landscaping is agreed in writing by the Local Planning Authority, and the landscaping shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.  
(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 (Design and Local Distinctiveness) and D2 (Landscape Requirements) of the adopted East Devon Local Plan 2013-2031.)
10. No development above foundation level shall take place until a Landscape and Ecology Management Plan (LEMP) for a minimum period of 30 years 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 accompanied by a plan showing areas to be adopted, maintained by management company or other defined body and areas to be privately owned/ maintained.
- Details of how the management and maintenance of habitats, open space and associated features will be funded for the life of the development.
- 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.
- Condition survey of existing trees, hedgerow and other habitat to be retained as a baseline for future monitoring and to identify any initial works required to address defects/ issues identified and bring them into good condition.
- Detailed maintenance works schedules covering regular cyclical work and less regular/ occasional works in relation to:
  - o Existing trees, woodland and hedgerows/banks. Hedgerow management shall be carried out in accordance with the Hedge Management Cycle as set out in Hedgeline guidance.
  - o New trees, woodland areas, hedges and amenity 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 within public/ communal areas.
- Arrangements for Inspection and monitoring of the site and maintenance practices.
- Arrangements for periodic review and update of the plan that may be required to meet the objectives of the plan and reflect any relevant changes to site, legislation and best practice guidance.

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

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 (Design and Local Distinctiveness) and D2 (Landscape Requirements) of the adopted East Devon Local Plan 2013-2031.)

11. Prior to its installation, details of any play equipment to be installed within the play area hereby permitted, including its siting, height, design and appearance,

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 enable the Local Planning Authority to consider the details of play equipment in the interests of amenity and 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.)

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

(Reason - A pre-commencement condition is required to ensure that adequate facilities are available for construction and other traffic attracted to the site in accordance with Policy TC7 (Adequacy of Road Network and Site Access) of the adopted East Devon Local Plan 2013-2031.)
13. Prior to the commencement of development, including demolition, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The measures set out within the approved CTMP shall be carried out in full, unless otherwise agreed in writing by the Local Planning Authority. The CTMP shall remain in place for the duration of the construction phase of the development.

(Reason – A pre-commencement condition is required in the interest of the safe and efficient operation of the A30 trunk road and the road adjacent to the site in

accordance with Policy TC7 (Adequacy of Road Network and Site Access) of the adopted East Devon Local Plan 2013-2031.)

14. No development hereby permitted shall commence 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 Proposed Surface Water Drainage Layout (Drawing No. 001) dated 21st March 2024) prepared by Cadworks South West Ltd.

(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.

No building hereby permitted shall be brought into use until the works have been approved and implemented in accordance with the details under (a) - (d) above.

(Reason - The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and local and national policies, including Policy EN22 (Surface Run-Off Implications of New Development) of the adopted East Devon Local Plan 2013-2031 and guidance as set out in the National Planning Policy Framework and Planning Practice Guidance. 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 and to prevent building works taking place without certainty of the drainage scheme being delivered.)

15. The building hereby permitted shall not be brought into use until the vehicular site access, internal access road, parking spaces and deliveries and storage area shown on drawing no. 1764-PL03 Rev. P6 have been laid out, surfaced and completed in full in accordance with the approved details. These shall thereafter be retained and kept available for those purposes at all times and shall not be used for any other purpose.

(Reason - To ensure that adequate and safe provision is made for the development in the interests of highway safety in accordance with the requirements of Policies TC7 (Adequacy of Road Network and Site Access) and TC9 (Parking Provision in New Development) of the adopted East Devon Local Plan 2013-2031.)

16. No development above foundation level shall take place until details of external lighting of the building and site have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details. No further external lighting shall thereafter be installed, either on the building or within the site, without the prior written approval of the Local Planning Authority.

(Reason - In the interests of the amenity of the locality, the safe and efficient operation of the A30 trunk road, and to protect the integrity of the trunk road

embankment in accordance with Policies EN14 (Control of Pollution) and TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 2013-2031.)

17. The development hereby permitted shall be carried out in full accordance with the measures for the mitigation of the impacts of the development upon protected species and ecological enhancement set out within the Preliminary Ecological Appraisal report prepared by Richard Green Ecology Ltd. dated 7th October 2022

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

18. Notwithstanding the submitted details, prior to the commencement of any operations on site (including site clearance or tree works), a revised arboricultural method statement (AMS) and tree protection plan (TPP) for the protection of all retained trees and hedges 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.

The TPP and AMS shall adhere to the principles embodied in B.S. 5837:2012 and shall indicate exactly how and when the trees will be protected during the development process.

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

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

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

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order, with or without modification), the floor spaces within the building hereby permitted shall be used solely for the respective purposes specified on drawing no. 1764-PL04 Rev. P1 and for no other purpose, including any purpose within Class E of Schedule 2 to the Town and Country Planning (Use Classes) Order 1987 (as amended).

(Reason - To enable the Local Planning Authority to retain control over the use(s) of the premises in the interests of avoiding any potential adverse impact upon the vitality and viability of Honiton and other nearby settlements in



accordance with Policy E11 (Large Stores and Retail Related Uses in Area Centres) of the adopted East Devon Local Plan 2013-2031.)

20. The development hereby permitted shall not be brought into use until secure cycle/scooter storage facilities have been provided within the site in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority. These shall thereafter be retained in perpetuity. (Reason - In the interests of promoting sustainable travel in accordance with Strategy 5B (Sustainable Transport) and Policy TC4 (Footpaths, Bridleways and Cycleways) of the adopted East Devon Local Plan 2013-2031.)
21. Before any development commences, details of final finished floor levels and finished ground levels in relation to a fixed datum 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 - A pre-commencement condition is required to ensure that adequate details of levels are available and considered at an early stage in the interests of 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.)
22. Prior to the first use of any part of the farm shop building hereby permitted, a pedestrian link between the site and the adjacent Combe Garden Centre premises shall be provided and laid out in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority. The approved pedestrian link shall thereafter be retained and maintained to enable access between the two sites in perpetuity. (Reason - To facilitate pedestrian access between the approved farm shop site and the neighbouring garden centre premises so as to minimise pedestrian activity on the adjacent highway in the interests of safety for all road users in accordance with the provisions of Policy TC7 (Adequacy of Road Network and Site Access) of the adopted East Devon Local Plan 2013-2031.)
23. Prior to the first use of any part of the development building hereby permitted, provision shall be made within the site for the installation of infrastructure to enable the charging of electric vehicles in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority. (Reason - In the interests of encouraging sustainable means of travel to and from the site and to comply with the provisions of Policy TC9 (Parking Provision in New Development) of the adopted East Devon Local Plan 2013-2031.)
24. Prior to the first use of the vehicular access hereby permitted, visibility splays shall be provided, laid out and maintained for that purpose at the site access, where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 0.6 metres above the adjacent carriageway/drive level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.4 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be 43 metres in both directions.

(Reason - To provide adequate visibility from and of emerging vehicles in the interests of highway safety and to comply with the provisions of Policy TC7 (Adequacy of Road Network and Site Access) of the adopted East Devon Local Plan 2013-2031.)

25. Prior to the first use of any part of the building hereby permitted, the site access road shall be hardened, surfaced, drained and maintained thereafter to the satisfaction of the Local Planning Authority for a distance of not less than 10 metres back from its junction with the public highway.

Reason - To prevent mud and other debris being carried onto the public highway in the interests of highway safety and to comply with the provisions of Policy TC7 (Adequacy of Road Network and Site Access) of the adopted East Devon Local Plan 2013-2031.)

26. Any entrance gates erected shall be hung to open inwards and shall be set back a minimum distance of 7 metres from the carriageway edge and shall thereafter be maintained in that condition at all times.

(Reason - To prevent the obstruction of visibility and the free flow of traffic in the interests of highway safety and to comply with the provisions of Policy TC7 (Adequacy of Road Network and Site Access) of the adopted East Devon Local Plan 2013-2031.)

#### NOTE FOR APPLICANT

##### Informative:

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

##### Plans relating to this application:

1764-PL04 REV P1	Proposed Floor Plans	12.12.22
1764-PL05 REV P1	Proposed roof plans	12.12.22
1764-PL06 REV P1	Proposed Elevation	12.12.22
1764-PL07 REV P1 : A+B	Sections	12.12.22
1764-PL01 REV P2	Location Plan	03.08.23
1764-PL03 Rev P6	Proposed Site Plan	09.04.24

List of Background Papers

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

**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

**APPENDIX – Technical Consultations - Full consultation comments**

County Highway Authority

Observations:

I have visited the site and reviewed the planning documents of this application.

The development intension is to relocate the farm shop from the existing nearby site of Hayne Farm to adjacent with the Combe Garden Centre.

Hayne Lane is this location offers far better visibility, both in terms of forward visibility and inter-visibility than that of the vicinity of Hayne Farm due to the geometry and topography of the existing carriageway Lane.

Though it is accepted that there is no dedicated footway/cycleway to Combe Garden Centre, the width, road surface and verge maintenance of Hayne Lane in that location is better than the lane adjacent to Hayne Farm. Whilst also maintaining a single vehicle lane, a shared carriageway as seen in many residential estates, helps to maintain a reduced speed with caution from both the driver and pedestrian alike.

The proposed access provides suitable visibility in both the East and West direction in accordance with our current best practice guidance Manual for Streets 1 and 2. In addition to suitable off-carriageway parking and space for vehicles to turn, to deter on-carriageway parking.

The Combe Garden Centre location also includes a bus stop and bus bay/passing place adjacent to the access.

Therefore in summary the County Highway Authority has no objections to this planning application.

Addendum 30/05/2024

Upon reviewing initial comments DCC would like to take the opportunity to provide further comment to help the LPA make a decision on the development proposed.

Whilst it is appreciated that the location and environment is different to a shared surface residential street in terms of Manual for Streets, consideration is also given for the existing arrangement and activity on the site that the approach road already serves as well as the proximity of an existing bus stop which serves the garden centre. Our road records indicate that there have been no recording accidents along this stretch or associated to the site over the last 5 years.

Based on the information received, the proposal as existing, is likely to see a modest increase in footfall associated to the farm shop/new application with the large majority of associated visitors likely to be using independent travel, and a degree of parties coinciding their travel with the extant use already at the site. In its isolation, the additional traffic generated to/from the site was not considered to have a severe impact on the local network.

As such and with the above and the relevant policies in mind should members be minded to recommending a favourable decision notice, the following conditions are recommended to be attached:

Recommendation:

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

Visibility splays shall be provided, laid out and maintained for that purpose at the site access, where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 0.6 metres above the adjacent carriageway/drive level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.4 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be 43 metres in both directions.

REASON: To provide adequate visibility from and of emerging vehicles.

The site access road shall be hardened, surfaced, drained and maintained thereafter to the satisfaction of the Local Planning Authority for a distance of not less than 10 metres back from its junction with the public highway

REASON: To prevent mud and other debris being carried onto the public highway

Any entrance gates erected shall be hung to open inwards, shall be set back a minimum distance of 7 metres from the carriageway edge and shall thereafter be maintained in that condition at all times.

REASON: To prevent the obstruction of visibility and the free flow of traffic.

### EDDC Landscape Architect

#### 1 INTRODUCTION

This report forms the EDDC's landscape response to amended information received in respect of the full application for the above site.

#### 2 REVIEW OF AMENDED DETAILS

The amended site plan addresses concerns in the previous response regarding the impact of the development proposals on the existing hedgerow to the northern site boundary and the internal layout.

Concerns remain regarding the appropriateness of creating a new access onto Gittisham Lane and the resultant impact of development on the character of Gittisham Lane and walkers, cyclists and pedestrians who use it for recreational access.

In the event that the application is approved, the following landscape conditions should be imposed:

- 1) No development work shall commence on site until the following information has been submitted and approved:
  - a) A full set of hard landscape details for proposed walls, fencing, gates, retaining structures, pavings and edgings, play equipment, site furniture and signage.
  - b) Details of locations, heights and specifications of proposed free standing and wall mounted external lighting including means of control and intended hours of operation. External lighting shall be designed to minimise light-spill and adverse impact on dark skies/ bat foraging and commuting in accordance with Institute of Lighting Professionals (ILP) guidance notes GN01 2011 - Guidance notes for the reduction of obtrusive light and GN 08/18 - Bats and Artificial Lighting in the UK
  - c) Surface water drainage scheme incorporating appropriate SuDS features including proposed profiles, levels and make up of swales and attenuation ponds and locations and construction details of check dams, inlets and outlets etc.
  - d) A full set of soft landscape details including:
    - i) Planting plan(s) showing locations, species and number of new tree, shrub and herbaceous 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.
- iv) Tree pit and tree staking/ guying details including details for extended soil volume under paving where necessary for trees within/ adjacent to hard paving.
- e) Measures for protection of existing perimeter trees/ undisturbed ground during construction phase in accordance with BS5837: 2012. Approved protective measures shall be implemented prior to commencement of construction and maintained in sound condition for the duration of the works.

2) No development shall take place until a schedule of landscape maintenance for a minimum period of 10 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Maintenance shall be carried out in accordance with the approved schedule.

3) The works shall be executed in accordance with the approved drawings and details and shall be completed prior to first use of the development with the exception of planting which shall be completed no later than the first planting season following first use.

4) 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 with plants of similar size and species to the satisfaction of the LPA.

(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), 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.)

## **Addendum response (to revised layout plan incorporating proposed swale)**

### **1 INTRODUCTION**

This report forms the EDDC's addendum landscape response following submission of amended details in respect of the full application for the above site.

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

### **2 REVIEW OF AMENDED DETAILS**

The amended layout largely resolves the concern noted in my previous response dated 15 March 2023 regarding the proximity of parking to the northern roadside hedge bank and the consequent likely impact on it. The revised layout is still likely to impact the existing hedge bank at its western end. There is scope to move the proposed parking further away from it by omitting the proposed 3m access paths

between the parking bays and the building, which appear to serve little purpose. This would allow the parking area to be shifted southwards 2.5-3m clear of the hedge bank and allowing more space to accommodate the proposed swale and the layout should be amended accordingly.

In other respects the concerns noted in my previous response remain.

### 3 CONDITIONS

Notwithstanding the above, should the application be approved, the following conditions should be attached:

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

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

b) Details of locations, heights and specifications of proposed free standing and wall mounted external lighting including means of control and intended hours of operation including lux levels plan.

External lighting shall be designed to minimise light-spill and adverse impact on dark skies/ bat foraging and commuting in accordance with Institute of Lighting Professionals (ILP) guidance notes GN01 2011 - Guidance notes for the reduction of obtrusive light and GN 08/18 - Bats and Artificial Lighting in the UK.

d) A site levels plan indicating existing and proposed levels and showing the extent of earthworks and any retaining walls. This shall be accompanied by three sections through the site at a scale of 1:200 or greater clearly showing existing and proposed ground level profiles across the site and relationship to surroundings.

e) Surface water drainage scheme incorporating appropriate SuDS features including proposed profiles, levels and make up of swales and attenuation ponds and locations and construction details of check dams, inlets and outlets etc.

f) A soil resources plan prepared in accordance with Construction Code of Practice for the Sustainable use of Soils on Construction Sites - DEFRA September 2009, which should include:

- a plan showing topsoil and subsoil types based on trial pitting and laboratory analysis, and the areas to be stripped and left in-situ.
- methods for stripping, stockpiling, re-spreading and ameliorating the soils.
- location of soil stockpiles and content (e.g. Topsoil type A, subsoil type B).
- schedules of volumes for each material.

- expected after-use for each soil whether topsoil to be used on site, used or sold off site, or subsoil to be retained for landscape areas, used as structural fill or for topsoil manufacture.

- identification of person responsible for supervising soil management.

g) A full set of soft landscape details including:

- i) Planting plan(s) showing locations, species and number of new tree, shrub and herbaceous 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

- h) Measures for protection of existing perimeter trees/ hedgerow during construction phase in accordance with BS5837: 2012. Approved protective measures shall be implemented prior to commencement of construction and maintained in sound condition for the duration of the works.

2) No development shall take place until a Landscape and Ecology Management Plan (LEMP) for a minimum period of 30 years 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 accompanied by a plan showing areas to be adopted, maintained by management company or other defined body and areas to be privately owned/ maintained.

- Details of how the management and maintenance of habitats, open space and associated features will be funded for the life of the development.

- 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.

- Condition survey of existing trees, hedgerow and other habitat to be retained as a baseline for future monitoring and to identify any initial works required to address defects/ issues identified and bring them into good condition.

- Detailed maintenance works schedules covering regular cyclical work and less regular/ occasional works in relation to:



- o Existing trees, woodland and hedgerows/banks. Hedgerow management shall be carried out in accordance with the Hedge Management Cycle as set out in Hedgeline guidance.
- o New trees, woodland areas, hedges and amenity 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 within public/ communal areas.

Arrangements for Inspection and monitoring of the site and maintenance practices.

- Arrangements for periodic review and update of the plan that may be required to meet the objectives of the plan and reflect any relevant changes to site, legislation and best practice guidance.

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

3) The works shall be executed in accordance with the approved drawings and details and shall be completed prior to first use of the proposed buildings with the exception of planting which shall be completed no later than the first planting season following first use.

4) 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 with plants of similar size and species to the satisfaction of the LPA.

(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.)

Devon County Archaeologist (Original consultation comments)

Application No. 22/2723/FUL

Combe Garden Centre Hayne Lane Gittisham Devon EX14 3PD - New farm shop and associated landscaping works adjacent to the site of the existing Combe Garden Centre: Historic Environment

My ref: ARCH/DM/ED/38247a

I refer to the above application. The proposed development lies in an area of known high archaeological potential. Archaeological investigations in advance of the

construction of the A30 and the extant garden centre to the east (application 17/1053/MFUL) revealed the presence of a substantial Bronze Age ditched enclosure that lay beneath the A30 and the garden centre, as well as evidence of Iron Age settlement (beneath the extant garden centre).

While the results geophysical survey undertaken of the site and submitted in support of this current planning application do not identify any anomalies that may indicate the presence of significant heritage assets with archaeological interest within the application area, it only partially identifies the alignment of the field boundary shown on the historic mapping and highlights that the site has been affected by agricultural practices. Two areas of burning were also identified and given the presence of a known iron extractive industry that operated on the Blackdown Hills from the Roman period these could relate to industrial activity from this or later periods. The efficacy of the geophysical survey and the significance of any heritage assets within the application area cannot be determined by non-intrusive methods and I would consider that further heritage information is required to support this planning application.

Given the high potential for survival and unknown significance of below ground archaeological deposits associated with the Bronze and Iron Age activity adjacent to the site and the absence of sufficient archaeological information, the Historic Environment Team objects to this application. If further information on the impact of the development upon the archaeological resource is not submitted in support of this application, then the Historic Environment Team would recommend the refusal of the application. The requirement for this additional information to be submitted in support of this planning application is in accordance with East Devon Local Plan Policies EN7 - Proposals Affecting Sites Which May Potentially be of Archaeological Importance - and EN8 - Significance of Heritage Assets and their Setting, and paragraphs 194 and 195 of the National Planning Policy Framework (2021).

The additional information required to be provided by the applicant would be the results of a programme of intrusive archaeological field evaluation.

The results of these investigations will enable the presence and significance of any heritage assets within the proposed development area to be understood as well as the potential impact of the development upon them and enable an informed and reasonable planning decision to be made by your Authority.

I will be happy to discuss this further with you, the applicant or their agent. The Historic Environment Team can also provide the applicant with advice of the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work. Provision of detailed advice to non-householder developers may incur a charge. For further information on the historic environment and planning, and our charging schedule please refer the applicant to: <https://new.devon.gov.uk/historicenvironment/development-management/>.

### DCC Flood Risk SuDS

Recommendation:

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

No development hereby permitted shall commence 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 Proposed Surface Water Drainage Layout (Drawing No. 001, Rev. -, dated 21st March 2024).
- (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.

No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (d) above.

Reason: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG. The 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.

#### Observations:

Following my previous consultation response FRM/ED/2723/2023, dated 23rd April 2024, the applicant has submitted additional information in relation to the surface water drainage aspects of the above planning application, for which I am grateful.

The applicant have submitted Combe Garden Centre, Gittisham Geotechnical Assessment Report (Report Ref. 9540, Rev. 1, dated December 2017) to demonstrate that a ground investigation was previously carried out in December 2017 as part of the adjacent garden centre development. The soakaway testing carried out indicated that the ground is not suitable for infiltration.

The submitted greenfield runoff rate calculation indicates that the current proposed impermeable area is 0.253ha, compared to the previous area of 0.5ha out of the total site area of 0.88ha. The Impermeable Area Layout Plan (Drawing No. 002, Rev. -, dated 21st March 2024) indicates that the road, farm shop, deliveries and storage areas are impermeable and the parking spaces, path, play area and outdoor eating area and garden are excluded from the impermeable area.

The Proposed Surface Water Drainage Layout (Drawing No. 001, Rev. -, dated 21st March 2024) shows that the path, play area and outdoor eating is currently proposed to be porous with gravel or permeable paving. The applicant shall confirm this during the detailed design as this may result in additional impermeable area to be attenuated.

The location of the proposed swale would also need to be investigated in detail as it is either located on top of an existing watercourse or ditch. This may compromise the proposed drainage strategy. A clear plan and cross sections showing both these features shall be submitted during detailed design.

The applicant may wish to consider rainwater harvesting, reuse rainfall, SuDS Planter (or similar rain gardens) in the detailed design.

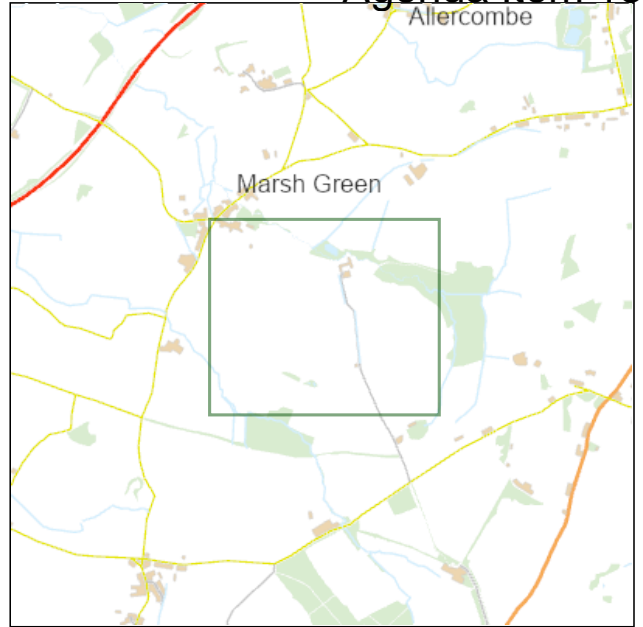
**Ward** West Hill And Aylesbeare

**Reference** 23/2382/MFUL

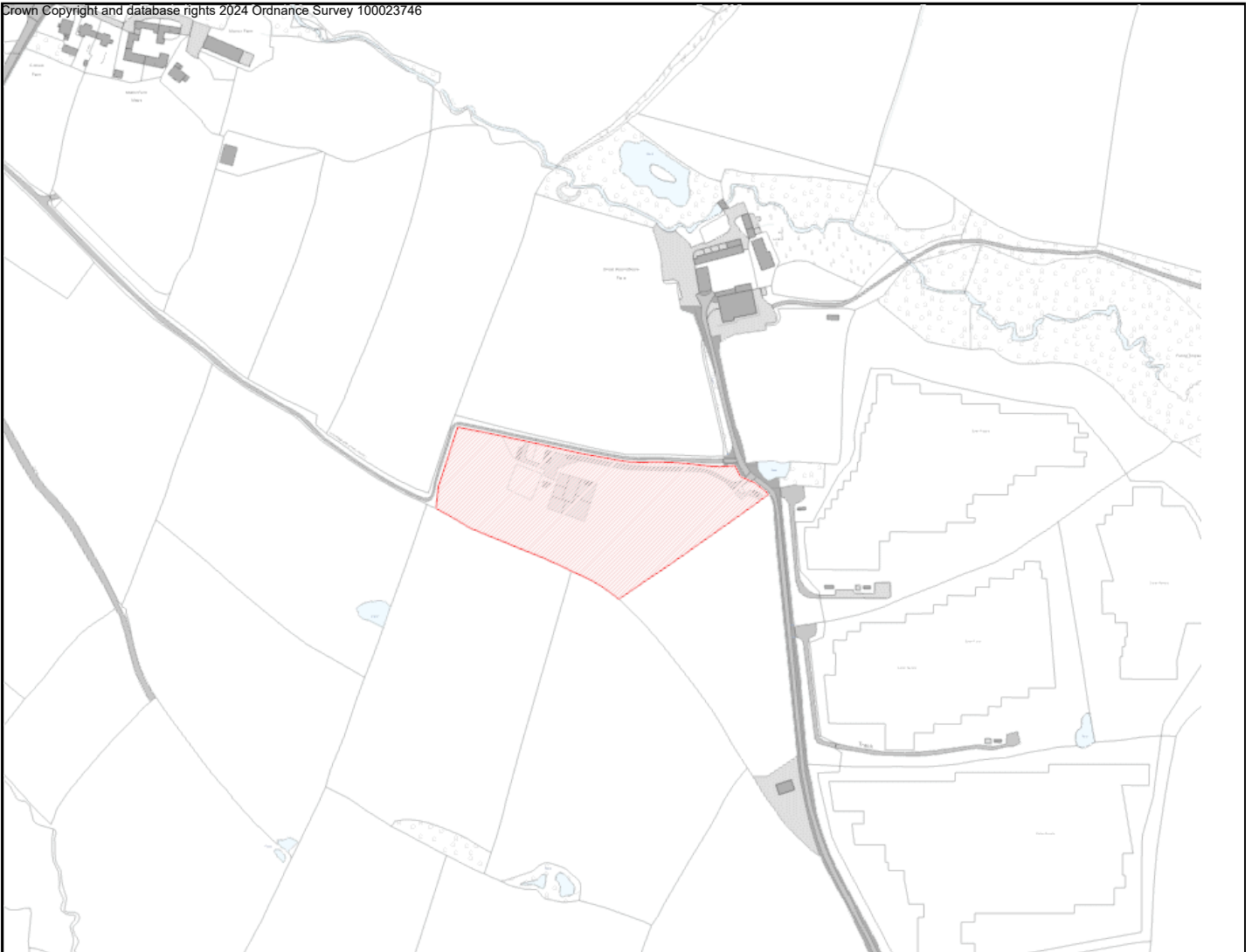
**Applicant** Mr Martin Small

**Location** Great Houndbeare Farm Caravan 1 Sunnyfield  
Aylesbeare Devon EX5 2DB

**Proposal** Proposal for 1no. additional mobile home, and  
stable with concrete floor for chickens and  
ducks.



**RECOMMENDATION: Approval with conditions**



		<b>Committee Date: 18.06.2024</b>
<b>Feniton (Gittisham)</b>	<b>23/2382/MFUL</b>	<b>Target Date: 05.04.2024</b>
<b>Applicant:</b>	<b>Mr Martin Small</b>	
<b>Location: West Hill and Aylesbeare</b>	<b>Great Houndbeare Farm Caravan 1 Sunnyfield Aylesbeare Devon EX5 2DB</b>	
<b>Proposal:</b>	<b>Proposal for 1no. additional mobile home, and stable with concrete floor for chickens and ducks</b>	

**RECOMMENDATION: Approval with conditions**

### **EXECUTIVE SUMMARY**

This application is brought before the planning Committee as, due to the size of the site, the application is a major application and there is an objection from the Parish Council.

The site has a personal planning permission to be occupied by a single gypsy and traveller family granted in 2010 including 2 mobile homes and one touring van sited within a large rural field.

The proposal relates to the provision of an additional mobile home for specific individuals related to the applicants. A relatively minor building to keep animals is also proposed. Given the circumstances as outlined within this report, it is considered that the proposal complies with the relevant policies of the local plan. Therefore subject to condition, the proposal is recommended for approval.

### **CONSULTATIONS**

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

05/02/24 - 17/02/24

Aylesbeare Parish Council objects this application as there have been no material changes since the limitations placed on the development under application 10/0562/FUL. All the conditions imposed with that permission should remain.

I see that updated plans have been submitted. I don't specifically wish to comment on those plans but I would query the fact that the previous consent 10/0562/FUL was expressed to be for the personal use of the applicant and his partner/spouse due to their special circumstances. It is unclear to me how this current application is consistent with that condition.

### EDDC Trees

23/01/24 - No arb concerns.

### Other Representations

One letter of objection received which is summarised as follows:

- Residential amenity concerns.
- Conditions were placed in the 2010 application to limit the occupiers of the site to solely the applicant and his girlfriend.
- Query why a third mobile home is needed on the site.
- Concern about the size of the stable building and its potential further development.
- Great Houndbeare Lane is unsuitable for additional road users and traffic.
- The existing site is now registered as two separate addresses.

[Officer Comment: These points will be addressed in the following analysis.]

## **POLICIES**

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

Strategy 7 (Development in the Countryside)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)

EN22 (Surface Run-Off Implications of New Development)

H7 (Sites for Gypsies and Travellers)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

## Government Planning Documents

NPPF (National Planning Policy Framework 2023)

National Planning Practice Guidance

## Other Relevant Document

Gypsy and Traveller Site Design and Layout SPD (2017)

## **PLANNING OFFICER SITE NOTES**

**Consultation Period End Date: 02.02.2024**

## **CONSULTATIONS**

## **OFFICER REPORT**

### Site Location and Context

The application site is at the end of Houndbeare Lane, to the north east of Aylesbeare. This site falls outside of any Built Up Area Boundary (BUAB). The existing two caravans on this site are positioned on the northern edge of the site around its centre and are accessible from Houndbeare Lane. To the south of these, a number of low level chicken runs and other assorted agricultural structures have been erected.

### Proposed Development

Planning permission is sought for the addition of a new mobile home and the erection of a stable with a concrete floor to keep animals. The mobile home under consideration was originally proposed to be positioned at the entrance of the site where it would have been visually prominent. The application has been amended to site the mobile home further into the field, closer to the existing structures. It has been stated by the applicant that it will be occupied by the daughter of the applicant and her family (2 adults and 4 children). There would be no associated ancillary structures linked to this.

The stables building would be located on the southern edge of the site.

### Relevant Planning History

07/3364/COU – Use of land as caravan site for one Gypsy family with associated works and structures – Temporary Consent (2 years) granted 12/02/2008.

[Officer Comment: This temporary condition included a condition limiting its occupation to the applicant, his partner, his daughter and her children.]



10/0562/FUL – Use of land as caravan site for one gypsy family with associated works and structures. Renewal of permission 07/3364/COU. – Granted subject to conditions 09/06/2010.

This decision established this permanent usage of this site for accommodating this gypsy family. As part of this decision, the following conditions were imposed:

1. *Notwithstanding the time limit to implement planning permission as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended), this permission being retrospective as prescribed by Section 63 of the Act shall have been deemed to have been implemented on the 18 March 2010.  
(Reason - To comply with Section 63 of the Act.)*
2. *The site hereby permitted shall not be occupied by any persons other than gypsies and travellers, as defined in paragraph 15 of the ODPM Circular 01/2006.  
(Reason – The site is in an open countryside location where a residential use would not normally be permitted but is justified by the special circumstances of the occupiers and to ensure future occupation of the site is in accordance with these special circumstances.)*
3. *The site shall only be occupied by one family and each of the two static caravans or mobile homes permitted on the site shall not be occupied by individuals or persons unrelated from the occupants of the other caravan.  
(Reason - To ensure the site is limited to one family to ensure the scale of the development remains at a compatible level for the locality and available services.)*
4. *No more than three caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than two shall be a static caravan or mobile home) shall be stationed on the site at any time.  
(Reason – To define the permission, in the interests of sustainability and to protect the character of the open countryside.)*
5. *The site shall not be used for the carrying out of any trade or business or the open storage of goods, plant or materials in connection with any trade or business, unless prior permission has been obtained in writing from the Local Planning Authority.  
(Reason – In the interests of sustainability and to protect the character of the open countryside.)*
6. *The site shall be occupied by Mr Martin Small and his partner/spouse and by no-one else.  
(Reason – The special circumstances of the applicant and his partner warrant a personal permission.)*

These conditions represent a material consideration and will be addressed in the following analysis.

## **Analysis**

### **Principle of Development**

The key policy against which this application must be considered is policy H7 (Sites for Gypsies and Travellers) of the East Devon Local Plan 2013-2031. This sets out the criteria which must be met in order for a development of the nature proposed to be considered acceptable. These are assessed as follows:

1. It has a satisfactory relationship with other neighbouring land uses.

The use of the land would not change, and it is not considered that the use would conflict with other land uses in the vicinity.

2. It has acceptable vehicular access and provision for on-site turning, parking and servicing.

The proposal would use the existing entrance to the site as well as the on-site parking and turning provision presently found. The lane to the site is narrow and serves a variety of users along its length. It is not considered however, that the scale of development is such that it would be harmful to highway safety or the wider network. No comment or objection has been received by the County highways Authority.

3. It contains satisfactory proposals for screening or landscaping.

The submitted information indicates no additional landscaping but it is noted that the site is largely screened by the existing trees, hedgerows, and front fence. While it is acknowledged that the proposed mobile home would be sited virtually across the site's entrance, given the limited views from which this would be visible owing to this screening, it is not considered necessary to supplement this landscaping.

4. It has no significant adverse impact on the appearance or character of the landscape or amenity of occupiers of neighbouring properties and any impacts will be mitigated to an acceptable level.

The application site is not located within any landscape designations in policy terms and in a relatively remote location. The scale of the proposed development is such that the existing screening would remain effective. Considering the existing usage of the site and the abovementioned screening, it is not envisioned that the nature and the scale of the proposal would result in harmful impacts to the character of the landscape.

In terms of neighbours, there are no neighbours adjoining the site and a material separation to the next nearest dwellinghouse. Given this, while the proposal would intensify the use of the site, it is not considered that the proposal would result in material harm to neighbouring amenity in any way.

5. In respect of proposals Outside Built-up Area Boundaries The local East Devon need has been proven and cannot be met elsewhere in the District.

The proposed development would involve additional accommodation within an existing site, rather than creating a wholly new site. The unit would be to accommodate immediate family members of the applicant, who are of a variety of ages. Given that it would be unreasonable to expect the persons involved in the scheme to live elsewhere in the district if the present site can accommodate them without issue. The occupiers of the site can be controlled by condition as it has before. The proposal would therefore comply with this part of the policy.

6. Where sites already exist within the locality, new pitches should be accommodated through expansion/ increased use of these existing sites though as smaller sites can be more acceptable, site size restrictions could be applicable to ensure sites do not become too large. Where it is not possible to expand/intensify existing sites, the cumulative impacts of additional sites, particularly on the character of the local area and existing community, will be taken into account in addition to other considerations.

As set out above, the proposal is to provide additional units on an existing site.

In light of the above analysis, it is considered that the proposal would comply with all elements of Policy H7. This similarly ensures that the design, amenity and highways impacts have been adequately assessed.

#### Consultee Comments and Conditions

The impacts of the proposal are considered to have been satisfactorily addressed in the above analysis.

In terms of the prior conditions of 10/0562/FUL, conditions controlling the start of works, the completion of works in accordance with the approved plans, the use of the site by solely gypsies and the solely residential use would be similarly applied.

For the users of the site, the consent of the consent of 10/0562/FUL specified that the site should be solely occupied by the applicant, Mr Small and his partner/spouse, under condition 06. Within the same permission, condition 03 specifies that the site should be used by solely one family. In this way, it is considered that these conditions somewhat conflict with each other with the present proposal being closer to condition 03 than condition 06.

Since this consent was granted in 2010, the site has remained in continuous use as a gypsy site. The present proposal would maintain this use but would intensify it through the introduction of a new mobile home. This development now also would be occupied by the daughter and son-in-law of the applicant as well as their children. Given the available size of the site that could easily accommodate this and the contradictory conditions of the prior consent, it is considered that this additional mobile home would be acceptable. To ensure that this site is maintained for use by this family, a condition to this effect may be imposed. A condition limiting the number of mobile homes and touring caravans will similarly be applied.

## Habitat Regulations Appropriate Assessment

The nature of this application and its location close to the Exe Estuary and other 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 this designation. 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.

In this instance, a HRA payment has been secured in relation to this application.

## **CONCLUSION**

The proposal relates to the provision of an additional mobile home for specific individuals related to the applicants. A relatively minor building to keep animals is also indicated. Given the circumstances as outlined within this report, it is considered that the proposal complies with the relevant policies of the local plan. Therefore subject to condition, the proposal is recommended for approval.

## **RECOMMENDATION**

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.  
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.  
(Reason - For the avoidance of doubt.)
3. The site hereby permitted shall not be occupied by any persons other than gypsies and travellers, as defined in paragraph 15 of the ODPM Circular 01/2006.  
(Reason – The site is in an open countryside location where a residential use would not normally be permitted but is justified by the special circumstances of the occupiers and to ensure future occupation of the site is in accordance with these special circumstances.)

- 4 No more than four caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than three shall be a static caravan or mobile home) shall be stationed on the site at any time.  
(Reason – To define the permission, in the interests of sustainability and to protect the character of the open countryside.)
  
- 5 The site shall not be used for the carrying out of any trade or business or the open storage of goods, plant or materials in connection with any trade or business, unless prior permission has been obtained in writing from the Local Planning Authority.  
(Reason – In the interests of sustainability and to protect the character of the open countryside.)
  
7. The site (including any buildings contained within) shall be occupied by Mr Martin Small and his partner/spouse, Mr Small’s children and their partner/spouse and children thereof only, and by no-one else unless otherwise agreed in writing with the Local Planning Authority.  
(Reason - In accordance with Policy H7 of the adopted East Devon Local Plan 2013-2031 the proposal is only acceptable in this isolated location due to the existing needs of the applicants and their children.)

**NOTE FOR APPLICANT**

**Informative:**

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

Plans relating to this application:

	Proposed Elevation	05.01.24
SCA-001	Proposed Combined Plans	05.12.23
	Location Plan	16.11.23
	Proposed Site Plan	06.12.23

**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.