

Ward Sidmouth Town

Reference 23/0571/MFUL

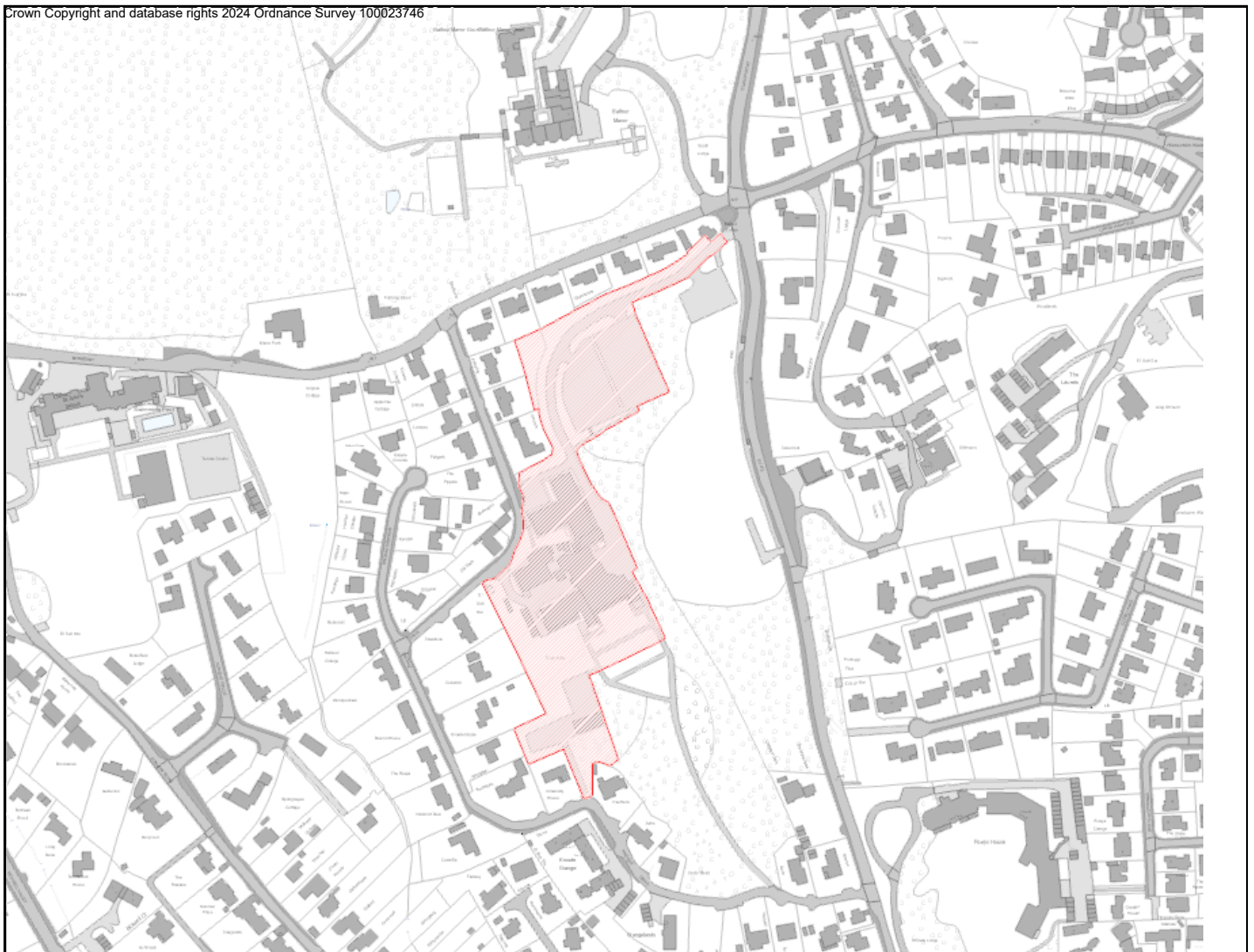
Applicant Mr Paull (McCarthy And Stone Retirement Lifestyles Ltd)

Location Former Council Offices Knowle Sidmouth EX10 8HL

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



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



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

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

EXECUTIVE SUMMARY

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

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

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

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

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

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

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

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

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

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

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

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

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

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

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

Neighbourhood Plan

Sid Valley Neighbourhood Plan (made)

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

Consultation Period End Date: 02.10.2023

CONSULTATIONS

Parish/Town Council

31/03/23 - SPLIT DECISION.

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

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

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

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

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

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

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

AMENDED PLANS

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

SPLIT DECISION:

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

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

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

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

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

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

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

Sidmouth Town - Ian Barlow

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

Sidmouth Town - Cllr Denise Bickley

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

Meeting the growing needs of our aging population requires :

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

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

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

Sidmouth Town - Cllr Cathy Gardner

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

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

My concerns include:

1. Loss of Mature Trees

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

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

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

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

2. Surface water drainage plan

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

3. Overdevelopment and massing - impact on surroundings

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

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

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

4. Detrimental effect on neighbouring properties

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

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

5. Parking

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

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

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

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

7. Contrary to the Local Plan 2013-2031

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

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

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

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

Technical consultations

County Highway Authority

11/07/23 - Observations:

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

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

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

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

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

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

Therefore the CHA retains its stance of no objection.

Conservation

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

No objection subject to conditions.

Contaminated Land Officer

No objection subject to conditions.

DCC Lead Local Flood Authority

08/11/23 – AMENDED PLANS

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

DCC Historic Environment Officer

No comments to make.

EDDC District Ecologist

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

Habitat Regulation Assessment (HRA)

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

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

Natural England

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

FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES

Habitats Regulations Assessment - Recreational Impacts on European Sites

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

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

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

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

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

EDDC Landscape Architect

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

EDDC Trees

No objections.

AMENDED PLANS

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

South West Water

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

South West Water is able to provide foul sewerage services from the existing public foul or combined sewer in the vicinity of the site. The practical point of connection will be determined by the diameter of the connecting pipework being no larger than the diameter of the company's existing network.

Royal Society For The Protection Of Birds

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

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

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

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

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

Other Representations

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

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

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

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

PLANNING HISTORY

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

Site Location and Description

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

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

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

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

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

Proposed Development

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

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

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

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

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

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

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

ANALYSIS

The main issues concerning this proposal are the following:

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

The Principle of the Development

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

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

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

Design, character and appearance

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

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

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

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

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

Looking at the three character areas in further detail;

The Dell

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

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

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

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

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

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

The Plateaux

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

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

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

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

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

The Terrace

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

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

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

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

The Provision of Affordable Housing

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Effect on Trees

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

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

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

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

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

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

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

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

The Effect on Heritage Assets

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

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

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

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

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

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

Effect on Surface Water Drainage and the Foul Water Drainage System

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Effect on Ecology

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

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

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

In terms of protected species within the site;

Badgers

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

Bats

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

Bat Activity

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

Birds

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

Dormice

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

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

Great Crested Newts

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

Reptiles

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Derogation tests

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

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

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

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

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

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

The Effect on Highways and Provision of Parking

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

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

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

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

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

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

Mitigating the Impact of the Development on Infrastructure

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

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

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

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

Other Matters

Flood Risk

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

Amenity

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

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

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

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

Contaminated Land and Demolition Phase

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

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

Whilst there 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.

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

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

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

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

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

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

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

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

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

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

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

Appropriate Assessment

The nature of this application and its location close to the Exe Estuary and their European Habitat designations is such that the proposal requires a Habitat Regulations Assessment. This section of the report forms the Appropriate Assessment required as a result of the Habitat Regulations Assessment and Likely Significant Effects from the proposal. In partnership with Natural England, the council and its neighbouring authorities of Exeter City Council and Teignbridge District Council have determined that housing and tourist accommodation developments in their areas will in-combination have a detrimental impact on the Exe Estuary and Pebblebed Heaths through impacts from recreational use.

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

On this basis, and as the joint authorities are work in partnership to deliver the required mitigation in accordance with the South-East Devon European Site Mitigation Strategy, this proposal will not give rise to likely significant effects to the Pebblebed Heaths.

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

RECOMMENDATION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Development shall take place in accordance with the approved details.

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

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

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

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

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

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

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

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

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

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

- o Existing trees, woodland and hedgerows.
 - o New trees, woodland areas, hedges/ hedgebanks and scrub planting areas.
 - o Grass and wildflower areas.
 - o Biodiversity features - hibernaculae, bat/ bird boxes etc.
 - o Boundary structures, drainage swales, water bodies and other infrastructure/ facilities.
- Arrangements for Inspection and monitoring of the site and maintenance practices.
 - Arrangements for periodic review of the plan.

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

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

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

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

27. The specific noise level of any fixed plant or equipment installed and operated on the site of the Class C2 usage must be designed as part of a sound mitigation scheme to operate at a level of 5dB below daytime (07:00 - 23:00 expressed as LA90 (1hr)) and night-time (23:00 - 07:00 expressed as LA90 (15min) background sound levels when measured or predicted at the boundary of any noise sensitive property. Any measurements and calculations shall be carried out in accordance with 'BS4142+2014 Methods for Rating and Assessing Industrial and Commercial Sound'.

(Reason: To protect the amenity of local residents from unacceptable noise levels, in accordance with policy EN14 (Control of Pollution) of the East Devon Local Plan).

28. Should any contamination of soil and/or ground or surface water be discovered during excavation of the site or development, the Local Planning Authority should be contacted immediately. Site activities in the area affected shall be temporarily suspended until such time as a method and procedure for addressing the contamination is agreed upon in writing with the Local Planning Authority and/or other regulating bodies.

(Reason: To ensure that any contamination existing and exposed during the development is identified and remediated, in accordance with policy EN16 (Contaminated Land) of the East Devon Local Plan).

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

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

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

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

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

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

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

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

(i) A person aged 60 years or over;

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

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

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

Plans relating to this application:

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

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

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

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

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

Statement on Human Rights and Equality Issues

Human Rights Act:

The development has been assessed against the provisions of the Human Rights Act 1998, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Equality Act:

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

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

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

<p>6. Qualifying Features and Conservation Objectives:</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>Annex II species that are a primary reason for selection of this site</p> <ul style="list-style-type: none"> • 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. <p>Annex II species present as a qualifying feature, but not a primary reason for site selection</p> <ul style="list-style-type: none"> • 1303 – Lesser horseshoe bat (<i>Rhinolophus hipposideros</i>) • 1304 – Greater horseshoe bat (<i>Rhinolophus ferrumequinum</i>) <p>Conservation Objectives (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"> • <i>The extent and distribution of qualifying natural habitats and habitats of qualifying species</i> • <i>The structure and function (including typical species) of qualifying natural habitats</i> • <i>The structure and function of the habitats of qualifying species</i> • <i>The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely</i> • <i>The populations of qualifying species, and,</i> • <i>The distribution of qualifying species within the site.</i> <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>7. Ecological survey Summary of effort and findings</p>	<p>Name of documents containing ecological survey information:</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>Summary of survey effort (no. transects, static detector deployments and bat emergence surveys, if applicable):</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

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

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>There will be no direct impacts on the SAC roost or other key roosts. No LSE is predicted.</p>
<p><i>C - Change in habitat quality and composition (loss or change in quality of foraging habitat)</i></p>	<p>Survey data has confirmed that habitats present within the site are of minimal value to foraging LHS bats.</p> <p>There will no change in habitat quality or composition on site that will have any significant impact on LHS bats. No LSE is predicted.</p>
<p><i>D - Severance or disturbance of linear features used for navigating or commuting</i></p>	<p>Survey data has confirmed that use of commuting routes present within the site is limited to bats associated with the onsite roosts; commuting routes within the site are not utilised by bats from the wider landscape.</p> <p>All vegetation associated with these key commuting routes will be retained. There will be no severance or disturbance of linear features used for navigating or commuting. No LSE is predicted.</p>
<p><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&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. No LSE is predicted.</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>No LSE is predicted.</p>
<p>11. Potential for in-combination effects (other permissions granted and proposals in the area that could result in impacts when assessed in combination – review planning permissions in the vicinity with similar impacts)</p>	<p><i>22/2063/MOUT Outline application for redevelopment seeking approval for a total additional business floor space of 1,701 sq. m. comprising: approval of reserved matters relating to access, appearance, layout and scale (reserving details of landscaping) for Phase 1 (Blocks A and B); partial demolition of Block C (approval of reserved matters relating to access, layout and scale, reserving details of appearance and landscaping), and approval of reserved matters relating to access and layout (reserving details of appearance, landscaping and scale) for phase 2 (Block D) Alexandria Industrial Estate Station Road Sidmouth</i></p>	<p>Alexandria Industrial Estate lies approximately 680m due north of the site. The LHS bats leave site in a northerly direction and it is assumed that they forage in Manor Park. The proposed development on the Alexandria Industrial Estate could lead to an increase in light spill in the north-eastern extent of Manor Park which is a likely a key foraging area for LHS from the site.</p> <p>Condition 16 of the outline planning permission requires a lighting scheme to be submitted to and approved by the Local Planning Authority. Assuming that a robust lighting scheme is implemented on site then it is assumed that there will be no potential in-combination effects on the LHS bats.</p>

12. Natural England consultation comments (if available)

Natural England Comment Date: Thu 05 Oct 2023

SUMMARY OF NATURAL ENGLAND'S ADVICE

FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES

Habitats Regulations Assessment - Recreational Impacts on European Sites

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

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

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

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

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

Natural England's further advice is set out below.

Designated sites:

Habitats Regulations Assessment required - Recreational Impacts on European Sites

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

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

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

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

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

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

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

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

Page 3 of 3

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

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

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

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

Sarah Dyke

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

Part C: Conclusion of Screening

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

The Beer Quarry and Caves SAC guidance document clearly states that only proposals which could severely restrict the movement of bats at a landscape scale (impacting on landscape 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
Date

William Dommett
19/12/2023

The Conservation of Habitats and Species Regulations 2017

Regulation 63 – Habitats Regulations Assessment

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

Part D: Assessment of Impacts with Mitigation Measures

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

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

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

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

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

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

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

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

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

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

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

Part E. In-combination impacts	
<p>15. 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>16. 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>
Part F: Further Information	
<p>17. 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>	
18. Does the proposal take into account measures agreed at outline or pre-app stages (if applicable)	N/A
19. Does the proposal take into account Natural England consultation responses, and include suitable measures as identified in the Natural England consultation? (if applicable)	<p>Yes – the shadow HRA, ecological impact assessment, and other technical documents have been reviewed by the District Ecologist and other impacts on nearby SACs have been screened out through the use of strategic mitigation and/or consideration of impact pathways and likely potential impacts on qualifying features.</p> <p>16/01/2023 - Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures specified in the AA are appropriately secured by conditions in any planning permission given. As part of the appropriately worded planning conditions, we expect that any future lighting will be limited along key commuting routes/prevented along the eastern elevation of Building B.</p>
Part G. Conclusion of Appropriate Assessment - The Integrity Test	
20. List of avoidance/mitigation/compensation measures and safeguards to be covered by condition or planning obligations (Unilateral Undertaking or S106)	<p>List of avoidance, mitigation and compensation measures, as per section 14:</p> <ul style="list-style-type: none"> • Construction Environmental Management Plan (CEMP); • Programme of Works / Phasing Plan; • Sensitive Lighting Design; • Construction Phase Lighting Strategy; • Section 106 Agreement for long-term security of measures.
21. Applicants	EDDC concludes that Adverse Effects on the Integrity of Beer Quarry and Caves

conclusion of integrity test.	SAC qualifying features can be ruled out , providing that the avoidance, mitigation and compensation measures detailed in section 20 are carried out in full and secured by the proposed appropriate conditions/obligations. 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
22. Completed by: Date:	William Dommett 16/01/2024



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



CLIENT: McCarthy Stone

PROJECT: The Knowle, Sidmouth

DATE: May 2023

www.mccarthystone.com

P2283

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



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