

**Ward** Sidmouth Town

**Reference** 24/0263/MFUL

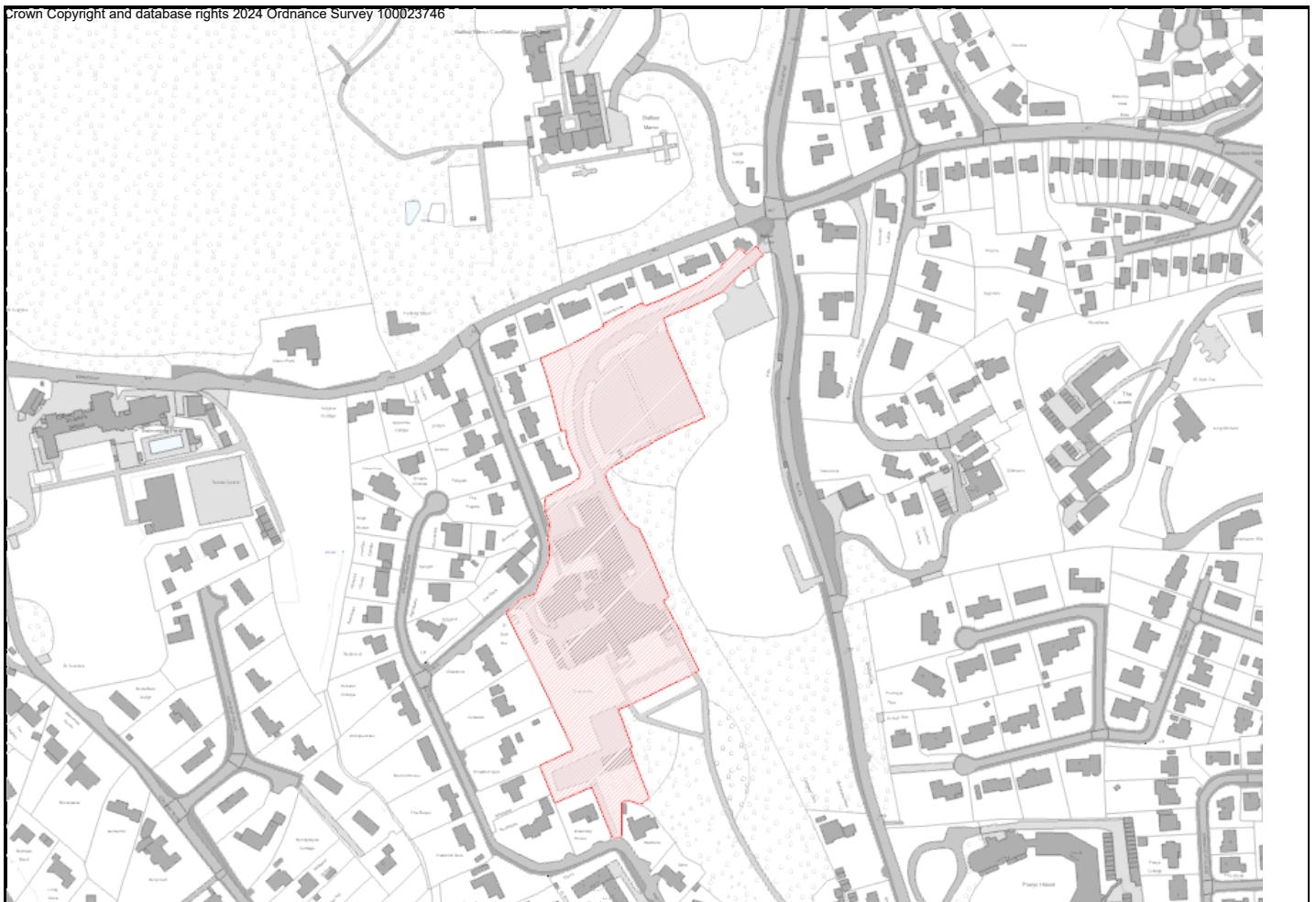
**Applicant** Mr Paull

**Location** Former Council Offices Knowle Sidmouth Devon EX10 8HL

**Proposal** Redevelopment of site to provide: (a) Care home building (Class C2) with associated parking, landscaping, staff and resident facilities and associated works (b) Extra care apartment building (53 units) with associated communal lounge, wellbeing suite, restaurant and care provision (class C2) (c) Retirement living apartment building (33 units) with associated communal lounge (Sheltered housing) and (d) Erection of 4 houses and 3 townhouses (Class C3) along with accesses, internal car parking, roads, paths, retaining walls, refuse and landscaping associated with development; retention/refurbishment of building B, erection of habitat building and sub-stations. (Demolition of buildings other than building B) (Variation to previous application (23/0571/MFUL) showing removal of balconies and elevational changes to west elevation of Retirement Living block, and alterations to the southern end/ elevations of the Retirement Living and Extra Care buildings)



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



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

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

### **EXECUTIVE SUMMARY**

**The site accommodates a series of buildings that make up the former council offices and service depot of the Council. This former use ceased around January 2019 when the relocation to the new Honiton council office occurred. The existing buildings on the site would largely be demolished except for the former caretaker building (known as**

'building B'). Members might be aware of the fire which occurred on the early morning of 30<sup>th</sup> March 2023.

EDDC planning ref; 16/0872/MFUL was allowed at appeal and this granted planning consent for an assisted living community for older people comprising extra care units, staff accommodation and communal facilities, including a kitchen, restaurant/bar/cafe, a well-being suite comprising gym, treatment rooms and pool, a communal lounge and storage facilities. This consent has cleared pre- commencement conditions with a material start made such that the previous scheme could be built out and so this represents a fallback position.

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

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

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

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

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

The proposal has amended the proposed design of the parkland facing elevations. From outside of the site from medium and long range views the development would be perceptible, but no harm would be necessarily forthcoming. Again, the proposal would increase the intensity of the use on the site by introducing additional dwellings above that previously consented. However, the site can accommodate the quantum of dwellings proposed without appearing cramped or impinging unduly on the boundaries of the site. In terms of ecology the proposal has made effort to provide for bats with specific buildings solely for this purpose. The impact on European designated Pebblebed Heaths

could be mitigated via a contribution. A separate appropriate assessment has been conducted with regards to the Beer Quarry Caves which can be found at appendix 1. Both of these appropriate assessments concluded that adverse effects can be screened out meaning that this does not weigh against the proposal.

Whilst some trees would be lost these do not provide significantly to the character of the area and the tree officer considers the proposal an overall betterment compared to the previous scheme allowed at appeal. The applicant has submitted a surface water drainage scheme which demonstrates that that infiltration rates within the site are not sufficient to the satisfaction of the Lead Flood Authority. Foul and surface water would therefore enter (separately) the SWW drainage system. SWW and DCC Lead Flood Team have not objected to the proposal or claimed capacity issues. The parking and trip generation resulting from the development and impact on the wider highway network has been found acceptable. There is an objection from the County Highway Authority as they are concerned that an access from Knowle Drive could be used once the accommodation is operational. Officers consider that this could be overcome via condition to ensure against this happening. Conditions during the construction phase can ensure that this is carried out in an acceptable manner.

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

The NPPF at paragraph 124 states that planning decision should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs and to promote and support the development of under-utilised land and buildings. This weighs in favour of the scheme

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

## **CONSULTATIONS**

### **Local Consultations**

Sidmouth Town - Sophie Richards

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

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

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

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

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

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

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

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

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

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

2. Local Plan

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

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

### 3. Flooding

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

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

### 4. Access to Knowle Drive

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

### 5. Local Services

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

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

## Parish/Town Council

### OBJECT:

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

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

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

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

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

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

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

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

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

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

### Parish/Town Council

#### OBJECT:

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

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

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

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

### **Technical Consultations**

#### County Highway Authority

##### Observations:

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

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

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

Co-ordinator which will inform and promote sustainable travel options to new residents along with administering discounted cycle wear.



The site layout allows sufficient space for off-carriageway turning and parking, though the final parking number is a policy for East Devon District Council (EDDC) to decipher, The re-alignment of the internal access road, has had renewed fire and refuse vehicle swept path plans produced, showing successful manoeuvre.

The back access onto Knowle Drive will be pedestrian only with bollards adjacent to Heathers Cottage.

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

Recommendation:

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

#### Contaminated Land Officer

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

#### DCC Flood Risk SuDS Consultation

Recommendation:

We have no comment to the above planning application at this stage, the applicant must submit additional information, as outlined below, in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

Observations:

The submitted covering letter mentioned that the current proposal removed the third floor level of projecting balconies on the western elevation of the Retirement Living block.

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

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

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

#### DCC Historic Environment Officer

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

## EDDC District Ecologist

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

Should this application be approved conditions are suggested.

## Natural England

### SUMMARY OF NATURAL ENGLAND'S ADVICE FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES

#### Habitats Regulations Assessment - Recreational Impacts on European Sites

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

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

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

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

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

Natural England's further advice is set out below.

Designated sites:

#### Habitats Regulations Assessment required - Recreational Impacts on European Sites

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

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

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

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

Habitats Regulations Assessment required - impact upon protected species (bats)

This application site is in close proximity to Sidmouth to West Bay Special Area of Conservation (SAC) and Sidmouth to Beer Coast SSSI. In addition, the development is situated within the bat Landscape Connectivity Zone associated with the Beer Quarry and Caves Special Area of Conservation (SAC), designated in part due to its internationally important population of greater and lesser horseshoe and Bechstein's bats.

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

Protected species

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

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

It is the LPA's responsibility to ensure that protected species, as a material consideration, are fully considered and that ecological surveys have been carried out where appropriate and appropriate mitigation is secured. A key element of any mitigation strategy would be to secure a lighting strategy with appropriate lux levels. We note that an addendum has been submitted to the current Lighting Impact Assessment in response to site design changes.

There now appears to be a location on the east of the site, south of building B, where the 0.5 lux target threshold may be exceeded. Lighting should be as low as guidelines permit and if lighting is not needed it should be avoided. Direct lighting upon roost entrances should be avoided and dark flight corridors maintained to ensure commuting and feeding bats are not disturbed by light pollution. The Institute of Lighting Professionals has partnered with the Bat Conservation Trust and ecological consultants to provide practical guidance on avoiding or reducing the harmful effects which artificial lighting may have on bats and their habitats.

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

#### Environmental Health

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

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

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

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

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

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

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

#### Environmental Health

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

#### Conservation

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

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

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

The listing for the summerhouse states:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

There is no reason to disagree with this conclusion which also re-iterates the Inspector's original decision (p.34) which concluded that there would be no harm to the significance of the heritage asset (the Summerhouse), and its setting preserved. In the light of the revisions, keeping a separation distance similar to that previously approved is acceptable. To ensure the preservation of the setting of the heritage asset, the listed structure will need to be protected during any works to ensure its stability (a version of LB27N) and thought given to its future ownership, maintenance and interpretation within the parkland setting.

#### DCC Flood Risk SuDS Consultation

##### Recommendation:

We have no comment to the above planning application at this stage, the applicant must submit additional information, as outlined below, in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

##### Observations:

The submitted covering letter mentioned that the current proposal removed the third floor level of projecting balconies on the western elevation of the Retirement Living block.

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

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

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

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

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

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

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

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

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

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

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

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

#### South West Water

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

### Surface Water Services

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

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

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

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

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

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

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

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

### Clean Potable Water



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

The practical point of connection will be determined by the diameter of the connecting pipework being no larger than the diameter of the company's existing network.

#### Foul Sewerage Services

South West Water is satisfied that the local sewerage network downstream from this development will not need further network reinforcement. The practical point of connection will be determined by the diameter of the connecting pipework being no larger than the diameter of the company's existing network.

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

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

#### Royal Society For The Protection Of Birds

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

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

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

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

Section 9.2 of BS42021:2022 relating to:

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

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

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

### Police Crime Prevention Officer

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

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

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

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

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

### EDDC Landscape Architect

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

## **POLICIES**

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

- Strategy 1 (Spatial Strategy for Development in East Devon)
- Strategy 2 (Scale and Distribution of Residential Development)
- Strategy 3 (Sustainable Development)
- Strategy 4 (Balanced Communities)
- Strategy 5 (Environment)
- Strategy 5B (Sustainable Transport)
- Strategy 6 (Development within Built-up Area Boundaries)
- Strategy 10 (Green Infrastructure in East Devon's West End)
- Strategy 26 (Development at Sidmouth)
- Strategy 34 (District Wide Affordable Housing Provision Targets)
- Strategy 36 (Accessible and Adaptable Homes and Care/Extra Care Homes)
- Strategy 37 (Community Safety)

Strategy 38 (Sustainable Design and Construction)  
Strategy 43 (Open Space Standards)  
Strategy 48 (Local Distinctiveness in the Built Environment)  
Strategy 49 (The Historic Environment)  
Strategy 50 (Infrastructure Delivery)  
D1 (Design and Local Distinctiveness)  
D2 (Landscape Requirements)  
D3 (Trees and Development Sites)  
EN5 (Wildlife Habitats and Features)  
EN6 (Nationally and Locally Important Archaeological Sites)  
EN7 (Proposals Affecting Sites which may potentially be of Archaeological Importance)  
EN8 (Significance of Heritage Assets and their setting)  
EN9 (Development Affecting a Designated Heritage Asset)  
EN22 (Surface Run-Off Implications of New Development)  
H2 (Range and Mix of New Housing Development)  
RC1 (Retention of Land for Sport and Recreation)  
RC5 (Community Buildings)  
TC2 (Accessibility of New Development)  
TC4 (Footpaths, Bridleways and Cycleways)  
TC7 (Adequacy of Road Network and Site Access)  
TC9 (Parking Provision in New Development)

#### Government Planning Documents

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

#### Neighbourhood Plan

Sid Valley Neighbourhood Plan (made)

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

**Consultation Period End Date: 02.10.2023**

#### **CONSULTATIONS**

##### **Technical consultations**

##### **Other Representations**

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

- Does not comply with local plan
- Harm to designated Parkland – effective privatisation of public space.

- Loss of weekend parking.
- Loss of trees.
- Increase in traffic noise and general noise.
- Insufficient parking and construction phase disruption.
- Loss of architectural heritage and harm to heritage assets.
- Effect on wildlife. Protected and Established wildlife such as badgers and bats.
- Loss of public amenity.
- Loss of private and public amenity – overlooking of neighbouring residential properties and over dominant. Overlooking of surrounding parkland to a harmful degree.
- Lack of public amenities offered.
- Missing viewpoints within LVIA and D&A
- Misrepresentation of trees (and their growth) within visual representation.
- Trees not plotted correctly.
- Sidmouth does not need more housing of this type – would unbalance community.
- Fails to provide for suitable affordable housing on site or off site contribution.
- Contrary to National Planning Policy Framework & Neighbourhood Plan
- Sets a precedent for building on green sites in East Devon.
- Significant impact and stress on local services i.e. Doctor surgery which have low staff numbers, recruitment issues and infrastructure.
- Design of development – poor character, inappropriate design and massing.
- Gross over development of the site – Local Plan only allocated 50 units on this site.
- Damage to the arboretum and Parkland landscape.
- Light pollution.
- No need for more care homes in Sidmouth.
- Overlooking from proposed houses & flats.
- Drainage systems are at capacity. Proposed development would exasperate matters and cause off site flooding.
- Damage to surrounding properties through pile driving.

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

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

## **PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
12/1847/MOUT	Outline application proposing demolition of existing buildings (retention of building B) for class D1 non-residential institution and park rangers station (Sui Generis), residential development of up to 50no. dwellings (Class C3 use), 60no. bed graduated care home (Class C2 use) and access (all matters reserved except access)-	Refused	08.03.2013

16/0872/MFUL	The construction of an assisted living community for older people comprising extra care units, staff accommodation and communal facilities, including a kitchen, restaurant/bar/cafe, a well-being suite comprising gym, treatment rooms and pool, a communal lounge and storage facilities; car parking for residents, visitors and staff of the assisted living community; comprehensive landscaping comprising communal and private spaces; and associated groundworks	Allowed at appeal	22.01.2018
21/2273/VAR	Variation of conditions 2 (approved plans), 4 (Arb Method Statement), 8 (landscaping), 10 (Bat Mitigation strategy) 12 (Lighting Assessment), 24 (CEMP) and 25 (CMS) of planning consent 16/0872/FUL to facilitate Bat mitigation measures	Approved	23.02.2022
23/0571/MFUL	Redevelopment of site to provide: a) Care home building (Class C2) with associated parking, landscaping, staff and resident facilities and associated works, b) Extra care apartment building (53 units) with associated communal lounge, wellbeing suite, restaurant and care provision (class C2) c) Retirement living apartment building (33 units) with associated communal lounge d) Erection of 4 houses, and 3 townhouses (Class C3) along with accesses; internal car parking, roads, paths, retaining walls, refuse and landscaping associated with development. Retention/refurbishment of building B, erection of habitat building and sub-stations. (Demolition of buildings other than building B)   Former Council Offices Knowle Sidmouth EX10 8HL	Refused	02.02.2024

### Site Location and Description

The site accommodates a series of buildings that make up the former council offices and service depot of the Council. This former use ceased around January 2019 when the relocation to the new Honiton council office occurred. These existing buildings stand on the

highest part of an undulating site with the former parking areas stepping downwards towards Station Road. Publicly accessible sloping gardens and parkland surround these buildings to the south and east, accommodating mature and protected trees, forming a centrepiece for the town's Arboretum. Surrounding residential properties wrap around the site boundary on Knowle Drive and Broadway.

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

*A substantial area of the original parkland remains, containing some magnificent trees, covered by a TPO which gives protection to the most important trees on the site. The parkland of The Knowle forms part of the attractive approach to Sidmouth, providing an important contribution to the overall historic character and landscape of the town." Most of the parkland will be passed on to the Town Council, after campaigning to preserve the large area for public access and enjoyment of the recently sown wild flower meadows.*

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

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

### Proposed Development

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

- Retirement Living development (Class C3) comprising 33 (Category II type sheltered accommodation), house manager office and associated communal facilities, landscaping and car parking. (Over 60s - 19 one bed and 14 two bed accommodation)
- A pair of 2 semi-detached properties (total of 4 units) and a terrace of 3 townhouses – All c3.
- Care home building (Class C2) with associated parking, landscaping, with staff and resident facilities. Two and three storey housing.
- Extra care / Retirement Living Plus (Class C2) comprising on site care provision communal lounge, wellbeing suite, bistro/restaurant and communal laundry and staff office. (Over 70s - 34 one bed and 19 2 bed accommodation). Extra Care accommodation or Assisted Living is marketed by McCarthy and Stone as Retirement Living Plus. This would feature 29 dedicated car parking spaces.

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

In total 40 C3 dwellinghouses are sought.

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

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

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

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

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

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

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

## ANALYSIS

The main issues concerning this proposal are the following:

1. The Principle of the Development
2. Design, Character and Appearance
3. Amenity
4. Balanced communities
5. The Effect on Heritage Assets
6. The Effect on Trees
7. The Effect on Surface Water and Foul Water Drainage

8. The Effect on Ecology
9. The Effect on Highways and the Provision of Parking
10. Mitigating the Impact of the Development on Infrastructure
11. Contaminated Land and Demolition Phase
12. The Planning Balance

### *The Principle of the Development*

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

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

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

### ***Design, Character and Appearance***

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

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

The settlement of Sidmouth is located within a highly attractive and important landscape setting, being surrounded by Area of Outstanding Natural Beauty (AONB). The boundary of the AONB lies to the northern side of Broadway just to the north of the application site. It is however worth noting that Sidmouth sits in a bowl created by the Sid Valley and therefore wider views of the site are limited and seen only in the context of the wider town. Furthermore, the development is largely limited to the areas of the site that are previously developed or are immediately adjoined by development with the majority of the parkland remaining. It is



therefore considered that distant views of the site will not be significantly altered, with the parkland still being identifiable from wider viewpoints.

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

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

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

Looking at the three character areas in further detail;

### The Dell

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

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

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

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

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

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

### The Plateaux

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

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

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

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

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

### The Terrace

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

With regards to reason 1 the design has been altered.

Summary of Changes in Retirement Living (RL) block:

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

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

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

Summary changes to central Link;

- Brick frame introduced to echo regency layering of elements.

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



South Elevation Proposed Re-design



South Elevation Refused Scheme

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

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

Two rectangle shaped blocks of accommodation would still be positioned on a north to south axis with a formalised garden area in between. This would provide split storey retirement living plus and retirement living. The south most portion (facing the parkland area) includes a subterranean level which would result in four and five storeys. There is some variety in the roof form to break up the overall mass of these two blocks.

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

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

Overall, in terms of massing and scale, the proposal would be prominent, but that is not to say harm would necessarily arise. The existing structures on site are also prominent, and so too

would the approved scheme. Comparative elevational sections have been provided, which demonstrate that in many instances, the overall height, mass and bulk of this scheme are reduced. It is therefore considered that the massing and scale are complementary within this mature parkland setting, which would offer effective screening from medium and long range views outside of the site.

### **Amenity**

To the north of the plateaux area are the properties known as Hillcrest, Pippins, Bluehayes and Old Walls, amongst other properties, which could be impacted upon by the proposal in terms of amenity.

There is a significant change in levels within this area meaning the windows of the proposed terrace of town houses and pair of semi's do not have windows at first floor which overlook private amenity area of these surrounding properties to the north on Knowle Drive. Given the distance and difference in grounds levels the proposed residential development in this area would not appear as dominant or overbearing on the surrounding occupants.

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

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

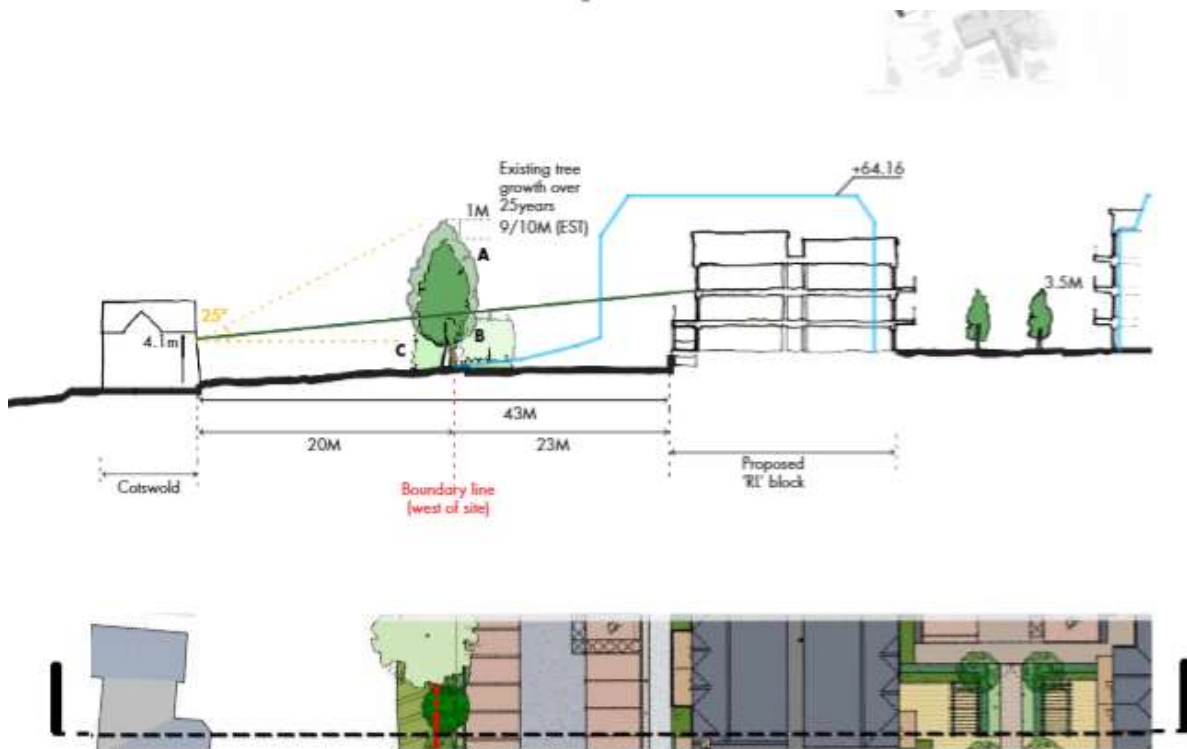
The balconies and windows on the south and west facing face of the western most block provide views to the west. In response to the previously refused scheme a number of the balconys were removed from this west facing elevation.



West Elevation Proposed Re-design



West Elevation Refused Scheme



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

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

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

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

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

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

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

### Balanced Communities

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

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

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

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

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

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

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

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



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

### ***The Provision of Affordable Housing***

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

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

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

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

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

On site contributions are not appropriate due to the large areas of communal space including shared lounges and likely service charges for maintenance and gardens. The site and scheme present considerable barriers to a Registered Provider being able to take onsite affordable housing. Similar situations have been found to be acceptable elsewhere, including on the Cattle Market Site and the Jewson site in Exmouth.

As it stands there is no off site affordable housing contribution offered.

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

The PPG also states that “the policy is intended to incentivise brownfield development, including the reuse or redevelopment of empty and redundant buildings. A ‘relevant’ building for which vacant building credits can apply must not be abandoned. The Guidance suggests other appropriate considerations for the Local Planning Authority when assessing the suitability of a proposal using vacant building credits. In considering how the vacant building

credit should apply to a particular development, local planning authorities should have regard to the intention of national policy. In doing so, it may be appropriate for authorities to consider:

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

The applicants claim Vacant Building Credit and this was independently discussed as part of the viability appraisal.

The buildings are themselves clearly vacant and have not been in use over the last four years.

The reasoning for vacating these officers included other reasons aside from redevelopment – better and more modern offices with lower overheads and running costs. The extant Planning Permission is for C2 use only and no affordable proportion was to come of that. The proposal now for consideration has a significant proportion of C3 units on the same site. However, it must be remembered that the thrust is to incentivise brownfield development and to give weight to the *intention* of national policy – i.e. to incentivise the development of the site, as there exists an existing planning consent in place.

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

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

### ***The Effect on Trees***

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

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

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

The main southern frontage to the T62 Irish yew, T61 sycamore and T64 pine remains. From the submitted elevations some of the proposed living rooms would look out directly into the tree canopies and the level of frustration this may cause, due to impeded views, and so may

result in pressure for the trees to be significantly cut back. However, the Council would still have control over this under the TPO that protects the older trees on/adjacent to the site.

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

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

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

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

### ***The Effect on Heritage Asset***

In accordance with the statutory duty set out in Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, special regard should be had to the desirability of preserving listed building or its setting or any features of special architectural or historic interest which it possesses. To the south of this area, but outside the application site, is 'The Summerhouse'. This is the remains of an old gothic summerhouse made from flint rubble and incorporating some shell work. This structure is Grade II listed for its curiosity value.

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

The scheme has been pushed back away from the listed Summerhouse and is more in line with the previous Inspectors decision.

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

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

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

### ***Effect on Surface Water Drainage and the Foul Water Drainage System***

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

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

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

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

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

The applicant has submitted a McCS Sidmouth Flood Risk Assessment & Drainage Strategy Report (Report Ref. 2042-FRA&DS-01, Rev. v4, dated September 2023) covering 'Retirement Living Plus' extra care development by McCarthy Stone at the southern part of the site referred as 'The Plateau' and Proposed Drainage Strategy Knowle Drive, Sidmouth (Report Ref. RN/10980, Rev. v1.1) covering the care home by Porthaven, referred to as 'The Dell'.

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

This revised drainage strategy aims to provide further betterment by restricting the surface water flows to the 1 in 100-year greenfield runoff rate of 8.8l/s via cellular attenuation tanks and permeable paving. The estimated storage capacity of 440m<sup>3</sup> is required and this would be situated under a car parking area. It is proposed to discharge the flow into South West Water (SWW) surface water network at Knowle Drive before discharging into the watercourse.

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

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

SWW are aware that connection points are required and have previously considered the proposal would lead to a 50% betterment to the existing site discharge. SWW have their own regime to approve such connections. As SWW are the operator of their own system it is they that would have in-depth knowledge of these systems – capacity and condition - and so weight is given to their views on such matters concerning their own infrastructure.

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

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

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

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

Ongoing discussion have been taken place with DDC Lead Flood Team to ensure that surface water is properly disposed of in line with the aims to meet sustainable urban drainage systems. Ultimately an acceptable solution has now been arrived at.

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

### ***The Effect on Ecology***

The proposed ecological avoidance, mitigation, and enhancement measures (subject to the recommended conditions below), and indicative biodiversity net gain calculations are considered acceptable and proportionate. It has been clarified by the applicants ecologist that

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

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

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

In terms of protected species within the site;

#### Badgers

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

#### Bats

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

#### Bat Activity

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

#### Birds

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

#### Dormice

The mature mixed woodland present on site is isolated from suitable habitat in the surrounding area by the residential areas of west and north Sidmouth. The habitat structure and species present provide low foraging potential and therefore it is considered unlikely that this species is present.

#### Great Crested Newts

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

#### Reptiles

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

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

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

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

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

Lesser horseshoe bats are an extremely light adverse species, with recent lighting guidance suggesting that lighting levels for where darkness is required, e.g., for lesser horseshoe bats, that levels at or below 0.2 lux on the horizontal plane, and at of below 0.4 lux on the vertical plane are imposed.

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

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

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

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

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

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

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

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

The addendum report indicates the Devon Wildlife Consultant report detailing information regarding a Habitat Regulation Assessment (HRA). However, neither report explicitly screens the out potential impacts on the SAC nor considers whether a HRA to the Appropriate Assessment (AA) stage is required to address the impact on the Beer Quarry caves. Therefore, the application should be supported by a screening assessment for potential impacts on the Beer Quarry SAC, and if a likely significant effect (LSE) cannot be ruled out, an AA detailing the mitigation measures to ensure no LSE. A shadow HRA, as described within the Beer Quarry and Caves Special Area of Conservation guidance (October 2022) has been submitted for our assessment. Natural England have been sent a copy of this but at the time of writing have not responded. Members will be verbally updated on this matter. The AA at the end of this report specifically deals with the impact on the Pebblebed Heath SAC.

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

#### Derogation tests



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

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

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

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

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

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

### ***The Effect on Highways and Provision of Parking***

The site has a precedent benchmark trip generation consisting of the number of vehicular trips which occurred during the sites use as the East Devon District Council Office use. The development consists of a large element of elderly care dwellings which typically produces lower trip generation than that of open market dwellings and that vehicular trips from this development would not exceed the benchmark. The planning application includes a comprehensive framework Travel Plan, which includes reducing the number of vehicular accesses to the site, improvements to a bus stop on the B3176 and secure cycle storage provision, in addition to a Travel Plan Co-ordinator which will inform and promote sustainable travel options to new residents along with administering discounted cycle wear.

The site layout allows sufficient space for off-carriageway turning and parking. It is recommend the provision of a Construction and Environment Management Plan (CEMP) to mitigate the effect of construction upon the local highway network.

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

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

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

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

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

### ***Mitigating the Impact of the Development on Infrastructure***

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

1. Occupation restriction on the C2 units, the requirement for the health assessment of occupiers, care agency commitment.
2. Retention of permissive paths
3. Relocation of the Ginko Tree
4. Landscaping works and long term maintenance

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

### ***Other Matters***

#### **Flood Risk**

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

#### ***Contaminated Land and Demolition Phase***

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

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

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

### ***The Planning Balance***

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

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

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

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

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

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

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

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

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

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

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

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

### Appropriate Assessment

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

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

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

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

### **RECOMMENDATION**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

19. Notwithstanding the requirements of the above condition (18) the development shall be carried out in accordance with 'The Travel Plan submitted 7<sup>th</sup> Feb 2024' ref; 20142-FTP-05 conducted by Jubb. The approved Travel Plan shall be implemented before first occupation and for each and every subsequent occupation of the development and thereafter maintained and developed to the satisfaction of the Local Planning Authority.

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

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

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

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

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

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

22. No development hereby permitted shall commence (excepting demolition and site clearance for the instances listed below however not including paragraph b) until the following information has been submitted to and approved in writing by the Local Planning Authority:

- (a) A detailed drainage design based upon the approved McCS Sidmouth Flood Risk Assessment & Drainage Strategy Report (Report Ref. 2042-FRA&DS-01, Rev. v4, dated September 2023) and Proposed Drainage Strategy Knowle Drive, Sidmouth (Report Ref. RN/10980, Rev. v1.1, dated 17th February 2023). Should the principles of this drainage report not be feasible an alternative method of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority, in consultation with South West Water and the Lead Flood Authority.
- (b) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.
- (c) Proposals for the adoption and maintenance of any permanent surface water drainage system.

- (d) A plan indicating how exceedance flows will be safely managed at the site.
- (e) A detailed assessment of the condition and capacity of any existing surface water drainage system/watercourse/culvert that will be affected by the proposals, the scope of which shall first be agreed in writing with the Local Planning Authority in consultation with the Lead Local Flood Authority. The assessment should identify and commit to, reasonable repair and/or improvement works to secure the proper function of the surface water drainage receptor which is reasonable and apportioned to the proposed development to an agreed timetable.

Development shall take place in accordance with the approved details.

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

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

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

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

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

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

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

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

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

26. No development shall take place until a Landscape and Ecology Management Plan (LEMP) based on the submitted Ecological Appraisal (Devon Wildlife Consultants, 2023) has been submitted to and approved in writing by the Local Planning Authority which should include the following details:

- The location and design of biodiversity features including bird boxes (at a ratio of 1 per unit), bat boxes, and other features clearly to be shown on submitted plans.
  - a) Description and evaluation of features to be managed.
  - b) Ecological trends and constraints on site that might influence management.
  - c) Aims and objectives of management.
  - d) Appropriate management options for achieving aims and objectives.
  - e) Prescriptions for management actions.
  - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a minimum 30-year period).
  - g) Details of the body or organization responsible for implementation of the plan.
  - h) Ongoing monitoring and remedial measures.
- Extent, ownership and responsibilities for management and maintenance.
- A description and evaluation of landscape and ecological features to be created/ managed and any site constraints that might influence management.
- Landscape and ecological aims and objectives for the site.
- Detailed maintenance works schedules covering regular cyclical work and less regular/ occasional works in relation to:
  - o Existing trees, woodland and hedgerows.
  - o New trees, woodland areas, hedges/ hedgebanks and scrub planting areas.
  - o Grass and wildflower areas.
  - o Biodiversity features - hibernaculae, bat/ bird boxes etc.
  - o Boundary structures, drainage swales, water bodies and other infrastructure/ facilities.
- Arrangements for Inspection and monitoring of the site and maintenance practices.
- Arrangements for periodic review of the plan.

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

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

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

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

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Strategy 3 (Sustainable Development), Strategy 5 (Environment), Policy D1 (Design and Local Distinctiveness), Policy D2

(Landscape Requirements) and Policy D3 (Trees in relation to development) of the East Devon Local Plan. The landscaping scheme is required to be approved before development starts to ensure that it properly integrates into the development from an early stage.)

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

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

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

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

29. The works shall be carried out in strict accordance with the submitted Ecological Impact Assessment, Ecological Impact Assessment - Addendum, Bat Ecological Impact Assessment - Technical Note to Assess Design Changes (EPS, 2023) and Ecological Appraisal (Devon Wildlife Consultants, 2023), unless modified by Natural England bat licence. Prior to occupation a written record shall be submitted to the local planning authority to include photographs of the installed ecological mitigation and enhancement measures as detailed within the reports and details regarding compliance with any ecological method statements (other than long terms monitoring details) as detailed within the submitted LEMP and CEcoMP.

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

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

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

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

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

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

(i) A person aged 60 years or over;

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

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

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

Plans relating to this application:

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

BOUNDARY  
TREATMENT

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



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

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

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

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

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

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

### Human Rights Act:

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

### Equality Act:

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



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

**Part A: The proposal**

<b>1. Type of permission/activity:</b>	Full planning permission. Redevelopment of site to provide: a) Care home building (Class C2) with associated parking, landscaping, staff and resident facilities and associated works, b) Extra care apartment building (53 units) with associated communal lounge, wellbeing suite, restaurant and care provision (class C2) c) Retirement living apartment building (33 units) with associated communal lounge d) Erection of 4 houses, and 3 townhouses (Class C3) along with accesses; internal car parking, roads, paths, retaining walls, refuse and landscaping associated with development. Retention/refurbishment of building B, erection of habitat building and sub-stations. (Demolition of buildings other than building B)
<b>2. Application reference no:</b>	24/0563/MFUL
<b>3. Site address: Grid reference:</b>	Former Council Offices, Knowle, Sidmouth, EX10 8HL SY 120 879
<b>4. Brief description of proposal:</b>	<ul style="list-style-type: none"> <li>• <b>Type of development</b>  Care home facility, extra care apartments, retirement living houses, townhouses and associated infrastructure.</li> <li>• <b>Distance to the European site</b>  9.3km</li> <li>• <b>Is the proposal site within a consultation zone (landscape connectivity, core sustenance, pinch point, hibernation sustenance zone)</b>  Lesser horseshoe bat landscape connectivity zone (LCZ)  Greater horseshoe bat LCZ  Bechstein’s bat LCZ</li> <li>• <b>Size</b>  Approximately 1.8ha</li> <li>• <b>Current land use (habitat type and immediately adjacent habitat types)</b>  The survey area is delineated by construction fencing and comprises modified grassland, areas of introduced shrub, car parking and the former office complex of East Devon District Council.   The buildings comprising the former office complex are referenced Buildings A – E and the Depot. See Map 6 appended to this document.   Mature landscaped formal gardens are present in the wider area with many veteran trees and areas of mixed plantation woodland. The site is surrounded on all aspects by roads with woodland to the north. The mature trees on site provide dark commuting routes to offsite habitats.</li> <li>• <b>Timescale</b>  Demolition of buildings except Building B and southern wall of Building C south (to be retained) - June 2024 (subject to receipt of the EPSL)  Groundworks to commence November 2025</li> </ul>

	<p>Construction to start April 2026  Completion and site handover by May 2027</p>
	<ul style="list-style-type: none"> <li>• <b>Working methods</b></li> </ul> <p>Building B (supporting the LHS maternity roost) will be carefully monitored throughout demolition and construction phases using an external IR or thermal imaging CCTV camera and noise and vibration monitors within the roost. Demolition methods will be reconsidered if bat behavior indicates disturbance is occurring.</p> <p>Demolition access will be off Knowle Drive, to the west of the site. Demolition compounds, vehicles, storage and welfare units will not be permitted on the east side of Building B.</p> <p>Demolition work will progress from west to east. Demolition works will be undertaken under an EPSL.</p> <p>Works will follow best practice construction methods.</p> <p>Works will comply with the: Construction Environmental Management Plan (CEMP); Sensitive Lighting Design; Construction Phase Lighting Strategy and a Landscape and Ecology Management Plan (LEMP). The site will be subject to a Section 106 agreement to ensure long-term security of mitigation measures.</p>
<p>5. European site name</p>	<p>Beer Quarry and Caves SAC (BQ&amp;CSAC) – SAC EU Code UK0012585.</p>



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

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

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

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

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

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

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

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

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

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

Building	Species	Roost Location	Roost Type	Peak Count	First Recorded
A	Lesser Horseshoe	Loft spaces in the south and west pitched roof sections	Day roosts and hibernation (possibly present all year round)	1 in Feb 2023, otherwise droppings and/or static detector recordings	2012
		Northern roof void / cavity walls with bat access to roof void to at least part of flat roof in	Day, transitional and hibernation	7	2012
		Under fire escape and under covered walkway, north	Feeding perch	4	2012
B	Lesser Horseshoe	Loft (including the cross-gable and linking structures which are a functional part of this roost)	Maternity, hibernation, transitional and possible mating (present year round)	25	c. 1992
		Basement	Hibernation, transitional, day and night	21	c. 1992
		Recess outside	Day	1	2021
	Greater Horseshoe	Likely 'linking structures' and basement	Day, transitional and hibernation	2	2019
C	Lesser Horseshoe	Under open porch	Feeding perch	1	2019

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

Surveys undertaken after the fire:

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

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

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

See Map 3a: Summary of Bat Roosts and Indicative Key Commuting Routes – Updated May 2023 following fire, appended to this document.

**Part B: Screening assessment for Likely Significant Effect – In absence of proposed mitigation**

<p><b>8.</b> Is this application necessary to the management of the site for nature conservation?</p>	<p>No</p>	
<p><b>9.</b> What BQ&amp;CSAC consultation zones is the proposal within (insert "X")?</p> <p><i>Refer to the Beer Quarry and Caves SAC Habitats Regulations Assessment Guidance document and online mapping</i></p>	<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><b>10.</b> 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><b>If the proposal is located in a Landscape Connectivity Zone (LCZ) ONLY, then the only impact to</b></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. <b>No Likely Significant Effect (LSE) is predicted.</b></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><b>There will be no direct impacts on the SAC roost or other key roosts. No LSE is predicted.</b></p>
<p><i>C - Change in habitat quality and composition (loss or change in quality of foraging habitat)</i></p>	<p>Survey data has confirmed that habitats present within the site are of minimal value to foraging LHS bats.</p> <p><b>There will no change in habitat quality or composition on site that will have any significant impact on LHS bats. No LSE is predicted.</b></p>
<p><i>D - Severance or disturbance of linear features used for navigating or commuting</i></p>	<p>Survey data has confirmed that use of commuting routes present within the site is limited to bats associated with the onsite roosts; commuting routes within the site are not utilised by bats from the wider landscape.</p> <p>All vegetation associated with these key commuting routes will be retained. <b>There will be no severance or disturbance of linear features used for navigating or commuting. No LSE is predicted.</b></p>
<p><i>E - Disturbance from new illumination causing bats to change their use of an area/habitat</i></p>	<p>A change in lighting levels is considered the only possible Likely Significant Effect to the LHS bats and are discussed in section 10.A.</p>
<p><i>F - Disturbance to or loss of land or features secured as mitigation for BQ&amp;CSAC bats from previous planning applications or projects</i></p>	<p>There are no mitigation features or land onsite that are associated with mitigation from previous planning applications or projects. <b>No LSE is predicted.</b></p>
<p><i>G – Loss, damage, restriction or disturbance of a pinch point</i></p>	<p>N/A – not within a Pinch Point</p>

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

12. Natural England consultation comments (if available)

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

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

Natural England Comment Date: Thu 05 Oct 2023

SUMMARY OF NATURAL ENGLAND'S ADVICE

FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES

Habitats Regulations Assessment - Recreational Impacts on European Sites

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

Strategy (SEDEMS). It is anticipated that new housing development in this area is 'likely to have a significant effect', when considered either alone or in combination, upon the interest features of the SAC/SPA due to the risk of increased recreational pressure caused by that development.

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

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

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

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

Natural England's further advice is set out below.

Designated sites:

Habitats Regulations Assessment required - Recreational Impacts on European Sites

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

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

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

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

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

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

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

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

Page 3 of 3

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

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

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

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

Sarah Dyke

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

*16/01/2024 - Natural England advises that they concur with the assessment conclusions in the submitted HRA for the previously scheme 23/0571/MFUL, providing that all mitigation measures specified in the AA are appropriately secured by conditions in any planning permission given. As part of the appropriately worded planning conditions, we expect that any future lighting will be limited along key commuting routes/prevented along the eastern elevation of Building B.*

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

## Part C: Conclusion of Screening

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

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

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

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

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

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

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

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

Name  
Date

William Dommett  
20/05/2024

# The Conservation of Habitats and Species Regulations 2017

## Regulation 63 – Habitats Regulations Assessment

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

#### Part D: Assessment of Impacts with Mitigation Measures

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

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

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

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

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

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

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

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

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

	<ul style="list-style-type: none"> <li>• 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.</li> <li>• Site compounds will be positioned away from the south and east faces of Building B and the key bat commuting route.</li> <li>• 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.</li> </ul> <p><b>Operation</b></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"> <li>• Decommissioning the existing road and parking spaces to the east of Building B</li> <li>• Not installing external lighting along the key commuting route or on the eastern elevation of Building B</li> <li>• Omission of external lighting to balconies and terraces on the eastern elevation.</li> <li>• Adopting measures in the Sensitive Lighting Strategy</li> </ul> <p><b>Monitoring</b></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 <b>Unfavorable</b> and <b>Stable</b>.</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>It has been quantified by the project ecologist (EPR) and lighting engineer (Stantec) that this resubmitted scheme does not materially change the recommendations in this amended HRA from the previously submitted scheme 23/0571/MFUL.</p> <p><b>No LSE is predicted.</b></p>	
<b>14.B -</b> <i>Direct impacts on the SAC roost or other key roost(s)</i>	N/A		
<b>14.C -</b> <i>Change in habitat quality and composition (loss or change in quality of foraging habitat)</i>	N/A		
<b>14.D -</b> <i>Severance or disturbance of linear features used for navigating or commuting</i>	N/A		
<b>14.E -</b> <i>Disturbance from new</i>	Covered in 14.A		

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

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

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

Undertaking or S106)	
<b>21.</b> Applicants conclusion of integrity test.	<p>EDDC concludes that <b>Adverse Effects on the Integrity</b> of Beer Quarry and Caves SAC qualifying features <b>can be ruled out</b>, providing that the avoidance, mitigation and compensation measures detailed in section 20 are carried out in full and secured by the proposed appropriate conditions/obligations.</p> <p>These mitigation measures are considered to remove potential Likely Significant Effects and provide certainty beyond reasonable scientific doubt that the proposals would have no impact on the Integrity of the SAC</p>
<b>22.</b> Completed by: Date:	William Dommett 20/05/2024



**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

https://www.mccarthystone.com/press-releases/2023/05/01/

P22/03





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