

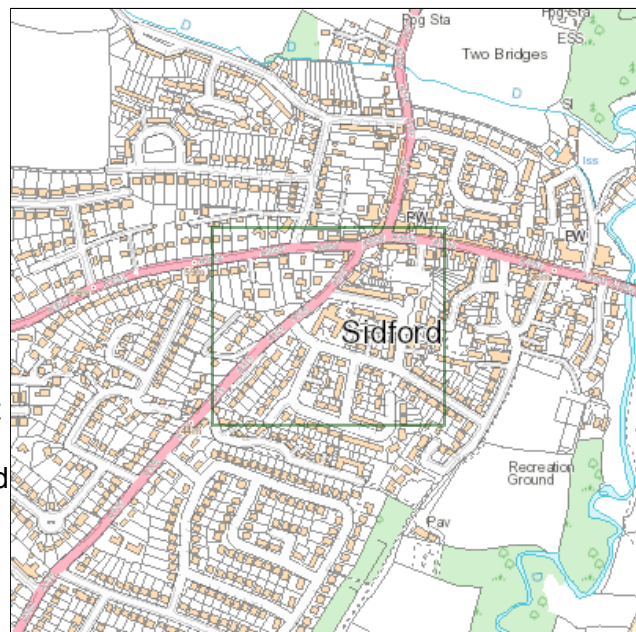
Ward Sidmouth Sidford

Reference 20/1516/VAR

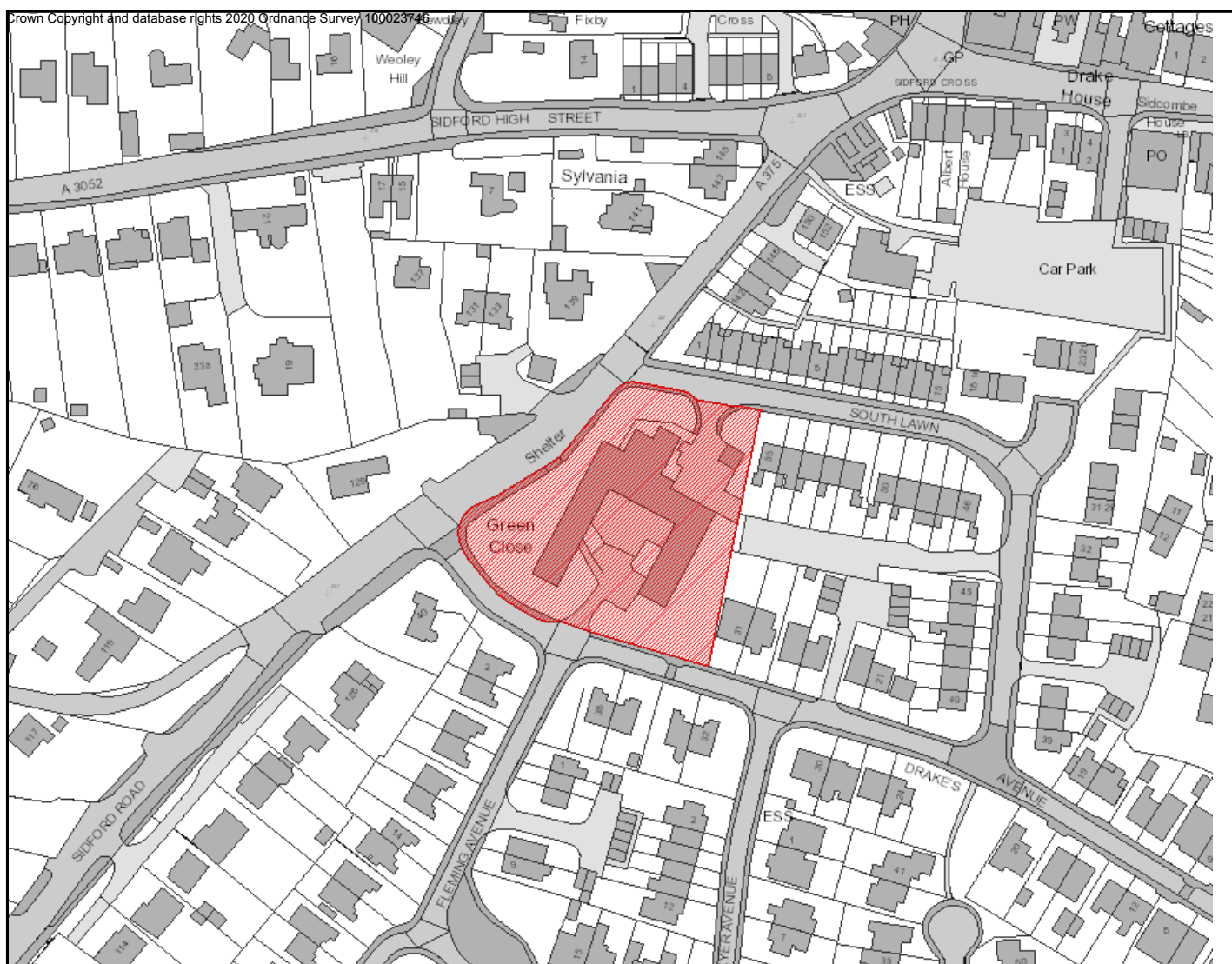
Applicant Churchill Retirement Living

Location Green Close Drakes Avenue Sidford Sidmouth
EX10 9JU

Proposal Variation of Condition 1 (plans condition) and condition 8 (tree protection) of planning consent 19/0996/VAR to include additional plan which proposes the felling of a horse chestnut tree and replacement with American sweetgum (liquidamber) tree



RECOMMENDATION: Approval with conditions



		Committee Date: 7th October 2020
Sidmouth Sidford (Sidmouth)	20/1516/VAR	Target Date: 16.10.2020
Applicant:	Churchill Retirement Living	
Location:	Green Close Drakes Avenue	
Proposal:	Variation of Condition 1 (plans condition) and condition 8 (tree protection) of planning consent 19/0996/VAR to include additional plan which proposes the felling of a horse chestnut tree and replacement with American sweetgum (liquidamber) tree	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

The application is before committee as the officer recommendation is contrary to the view of the Town Council to a major development.

This application seeks to vary the landscaping condition on an approved 40 bed later living development in Sidford that is already under construction.

The proposal would allow for the removal of a chestnut tree (felled during the course of the application for safety reasons) to be replacement with a sweetgum tree.

The previous chestnut tree on the site was considered to be in decline, and was subsequently storm damaged, and its replacement with an Extra Heavy Standard tree is supported by the Tree Officer. It is therefore considered that the proposal is acceptable subject to all previous conditions being re-imposed and planting of the replacement tree.

CONSULTATIONS

Local Consultations

Parish/Town Council

Members were UNABLE TO SUPPORT the application for variation of Conditions 1 and 8 for the following reasons:

1) The loss of a maturing tree would result in a smaller young tree being planted detrimentally affecting the amenity of neighbouring residents.

2) The loss of a maturing tree would be contrary to Policy 6 of the Sid Valley Neighbourhood Plan (Infill Development , Extensions and Trees) which states that "Development should be designed so as not to adversely impact on the amenities of its neighbours and should seek to protect any existing trees that contribute to the overall amenity of the area"

3) The existence of the tree had significant impact on support for the original planning application by the Town Council (suitable softening and landscaping of the streetscene) as subsequently approved by the Local Planning Authority.

Members further commented that as the authority delegated to decide on TRE applications that the LPA Arboricultural Officers be asked to consider placing a TPO on the tree in question.

Technical Consultations

EDDC Trees

I have no objection for the removal of the tree as it is in severe decline, I would ask the TPF remain as is so to protect the ground for the new tree to be continued to be protected by fencing

Other Representations

None

PLANNING HISTORY

Reference	Description	Decision	Date
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19/0996/VAR	Variation of Condition 2 (plans condition) of planning consent 18/1779/MFUL (demolition of former care home and construction of 40 retirement apartments) to facilitate design changes	Approval with conditions	27.08.2019
18/1779/MFUL	Demolition of former care home and construction of 40 retirement apartments for older persons including communal facilities, access, car parking and landscaping	Approval with conditions	18.01.2019

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

D1 (Design and Local Distinctiveness)

D3 (Trees and Development Sites)

Strategy 50 (Infrastructure Delivery)

Strategy 5B (Sustainable Transport)

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 26 (Development at Sidmouth)

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

Strategy 34 (District Wide Affordable Housing Provision Targets)

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

Strategy 43 (Open Space Standards)

Strategy 47 (Nature Conservation and Geology)

Strategy 48 (Local Distinctiveness in the Built Environment)

Strategy 50 (Infrastructure Delivery)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)

EN9 (Development Affecting a Designated Heritage Asset)

EN10 (Conservation Areas)

EN14 (Control of Pollution)

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

EN22 (Surface Run-Off Implications of New Development)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Local Planning Documents

Sid Valley Neighbourhood Plan (Made)

Government Planning Documents

NPPF (National Planning Policy Framework 2018)

ANALYSIS

As the principle of development, layout, car parking, affordable housing contribution, relationships to surrounding properties and all other matters were approved as part of the previous applications, the main consideration for this application relates to the acceptability of the proposal for a replacement tree.

Assessment

Planning permission has been granted (Application 18/1779/MFUL) for the erection of a 40 bed care home on the site of Green Close in Sidford. A subsequent variation to the application (19/0996/VAR) permitted some minor external changes to the building.

This application seeks to further vary the original consent by amending conditions 1 and 8 of 19/0996/VAR. This would amend the landscaping scheme previously given consent. The purpose of this being to permit the removal of a mature chestnut tree in the North East corner of the site, and its replacement with a sweetgum tree.

Subsequent to the application being submitted, the tree has been damaged in recent storms and it has already been felled.

The tree officer inspected the tree prior to its removal and has concluded that it was in a poor state, and its replacement with the proposed sweetgum is deemed acceptable. As requested by the Town Council, a Tree Preservation Order was considered but given the condition of the existing tree at the time it was not considered to be of suitable quality to be covered by a TPO.

Whilst the comments of the Town Council are noted in respect of the removal of a mature tree and its replacement with a smaller tree, the mature tree was damaged and had to be felled for safety reasons. The replacement tree is supported by the Tree officer and the new tree will soon become established and is known to be disease free and a hardy tree which can grow to a similar height as the previous tree. It will be planted at Extra Heavy Standard size at approximately 4.5m in height

Other matters

In all other regards the application remains unchanged from the previous consent and with no significant changes to planning policy or local circumstances in the meantime,

the previous assessments with regard to design, layout, access parking etc remain unchanged and are again acceptable.

Financial Contribution

Whilst the original application secured a financial contribution towards affordable housing of £677,434, and this is again required to be secured in relation to this amendment, the original legal agreement ensured that the contribution was payable for the original application and any subsequent variation applications (such as the current application) and as such a further legal agreement to secure this is not required.

RECOMMENDATION

APPROVE subject to the following conditions:

1. 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.)
2. No part of the development hereby approved shall be brought into its intended use until the parking facilities and turning area have been provided and maintained in accordance with the application drawings and retained for that purpose at all times.
(Reason: To ensure that adequate facilities are available for the traffic attracted to the site in accordance with Policy TC9 - Parking Provision in New Development - of the East Devon Local Plan 2013-2031.)
3. The materials used within the development shall be those agreed in writing by the local planning authority on the 22nd May 2019, in respect of application 18/1779/MFUL, unless otherwise approved in writing
(Reason: To ensure that the materials are sympathetic to the character and appearance of the area in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)
4. Prior to occupation of the building hereby approved, two 2FE Schwegler Wall-Mounted Bat Shelters (or agreed equivalent) shall be installed on the building.
(Reason: In order to provide habitat for bats in accordance with Policy EN5 – Wildlife Habitats and Features - of the East Devon Local Plan 2013-2031.)
5. The Construction and Environment Management Plan submitted in respect of the application 18/1779/MFUL and agreed by the Council on the 26th February 2019 shall be adhered to at all times.
(Reason: To protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution in accordance with Policy EN14- Control of Pollution- of the East Devon Local Plan 2013-2031.)
6. Any plant (including ventilation, refrigeration and air conditioning units) or ducting system to be used in pursuance of this permission shall be so installed prior to the first use of the premises and be so retained and operated that the

noise generated at the boundary of the nearest neighbouring property shall not exceed Noise Rating Curve 25, as defined in BS8233:2014 Sound Insulation and Noise Reduction for Buildings Code of Practice and the Chartered Institute of Building Services Engineers Environmental Design Guide. Details of the scheme shall be submitted to and approved by the Local Planning Authority prior to the first use of the premises.

(Reason: To protect the amenity of local residents from noise in accordance with Policy EN14- Control of Pollution- of the East Devon Local Plan 2013-2031.)

7. The specific noise level of any plant installed and operated on the site must not exceed 25dBa (5dB below night-time background which can be taken as 30dBa) at the boundary of the nearest noise sensitive dwellings between the hours of 11pm to 7am, and must not exceed the background level at any other time. Background noise level to be measured as La90dBa.

(Reason: To protect the amenity of local residents in accordance with Policy EN14-Control of Pollution- of the East Devon Local Plan 2013-2031.)

8. Tree protection and the felling of any trees shall be carried out strictly in accordance with the approved arboricultural method statement ref 15404-AA4-PB and the tree protection plan, Barrell Plan Ref 15404-BT5. Provision shall also be made for supervision of tree protection by a suitably qualified and experienced arboricultural consultant. The development shall be carried out strictly in accordance with the agreed details.

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 - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D3 - Trees and Development Sites of the Adopted East Devon Local Plan 2013-2031.)

9. Development shall take place in accordance with the surface water drainage scheme layout drawings FC/2806/01 & FC/2806/02 approved by the local planning authority on the 22nd May 2019 in respect of 18/1779/MFUL.

(Reason: To ensure that surface water systems fit efficiently within the site layout, protect water quality and minimise flood risk in accordance with Policy EN22 – Surface Run-Off Implications of New Development of the Adopted East Devon Local Plan 2013-2031 and the guidance contained within the National Planning Policy Framework.)

10. No part of the development hereby approved shall be brought into its intended use until the parking facilities and turning area have been provided and maintained in accordance with the application drawings and retained for that purpose at all times.
(Reason: To ensure that adequate facilities are available for the traffic attracted to the site in accordance with Policy TC9 - Parking Provision in New Development - of the East Devon Local Plan 2013-2031.)
11. The existing access from the site to Drakes Avenue shall be effectively and permanently closed to vehicles in accordance with details which shall have been submitted to and approved by the Local Planning Authority prior to the first use of the new access and parking area by residents.
(Reason: To minimise the number of accesses on to the public highway in accordance with Policy TC7 - Adequacy of Road Network and Site Access - of the East Devon Local Plan 2013-2031.)

NOTE FOR APPLICANT

Informative:

In accordance with the aims of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 East Devon District Council works proactively with applicants to resolve all relevant planning concerns; however, in this case the application was deemed acceptable as submitted.

Plans relating to this application:

10084SF-PA00	Location Plan	17.07.20
10084SF-PA301	Proposed Site Plan	17.07.20
CRL : 10084SF : P220	Proposed Floor Plans	17.07.20
CRL : 10084SF : P221 REV A	Proposed Floor Plans	17.07.20
CRL : 10084SF : P222	Proposed Floor Plans	17.07.20
CRL : 10084SF : P223	Proposed Floor Plans	17.07.20
CRL : 10084SF : P230	Proposed roof plans	17.07.20
CRL:10084SF:40 7	Proposed Elevation	17.07.20

CRL:10084SF:40 8 REV B	Proposed Elevation	17.07.20
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JBA 19/137-01 REV E	Landscaping	17.07.20
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List of Background Papers

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