

		Committee Date: 01.11.2016
Sidmouth Sidford (SIDMOUTH)	16/0867/MFUL	Target Date: 20.09.2016
Applicant:	Churchill Retirement Living	
Location:	Green Close Drakes Avenue Sidford	
Proposal:	Demolition of former residential care home and construction of 36 sheltered apartments including communal facilities, access, car parking and landscaping.	

RECOMMENDATION: Approval subject to conditions and the completion of a Section 106 legal agreement

EXECUTIVE SUMMARY

This application is brought before the Committee in view of its status as a 'Major' application and the fact that the officer recommendation differs from the views of the town council. It also differs from the views expressed by one of the ward members in respect of the weight that it is considered can be given to the issue of a financial contribution towards the provision of a pedestrian crossing at Sidford Cross.

The scheme involves the demolition of the currently vacant former Green Close Residential Care Home premises that are being marketed by Devon County Council, the former operators, and the redevelopment of the site to provide a scheme comprising 36 sheltered apartments for occupation by elderly persons, incorporating integral communal facilities, in addition to the laying out of a car parking area providing 23 spaces and a landscaped garden.

The details show an essentially L-shaped building of variously single, two and two and a half stories height in place of the existing mainly two storey building. However, although there would be an increase over the existing roof ridge height throughout parts of the development, these would not be substantial. The development would also be positioned largely on the footprint area of much of the present building but laid out so as to achieve sufficient separation from neighbouring and nearby residential properties on all sides as to avoid any materially greater harmful impact upon occupiers relative to the existing structure. It would also safeguard the more important and visually semi-mature trees around the building.

The design approach envisages mainly red brick and painted brick wall finishes with plain roof tiles coloured grey and red. The form and elevation treatment of

the development takes cues from the red brick with yellow brick detailing that characterises the terrace of older houses along the northern side of South Lawn to the north of the site. In particular it would incorporate two storey bay elements and contrasting brick detailing to window and door openings that reflect these dwellings. Ground and roof ridge levels would also be designed to reflect and respond to the gradients of the site and the adjacent Sidford Road and Drakes Avenue.

Vehicular access would be taken from the existing site entrance from South Lawn whilst a second access from Drakes Avenue would be closed off. The County Highway Authority accepts that the level of traffic generation from the site would not be significantly different to that from the former care home and raises no objection on highway safety grounds or with regard to the adequacy of the proposed level of on site parking provision.

There are no particular concerns with regard to the effect of the proposals upon drainage or ecological interests subject to confirmation of details and compliance with submitted mitigation measures respectively.

The scheme makes no provision for on site affordable housing and offers a comparatively modest off site financial contribution in lieu - on account of its marginal viability and against the level that would ordinarily be sought by the Authority. Although the case for not providing an affordable element on site is not as developed as it could be, there is an acceptance that there are practical and operational difficulties in seeking to provide a mixed residential scheme within the proposed building, and indeed on the site as a whole, that weigh against an insistence on direct provision in this case.

Equally, whilst the submitted viability report has undergone considerable scrutiny and there is agreement with its main conclusions, in line with policy as set out in the relevant local plan strategy it is considered necessary that, in addition to securing the contribution that has been offered, the requisite legal agreement should also include an overage clause in respect of any future excess profits.

CONSULTATIONS

Local Consultations

Town Council

Members were unable to support the application for the following reasons:

- o Members had reservations regarding the proposed access from South Lawn which is a narrow road and in close proximity to the traffic junction at Sidford Cross.
- o Members were of the view that Sidmouth would benefit more from affordable housing on the site rather than additional sheltered accommodation.
- o Members were of the view that any application should include either affordable housing on site or a financial contribution towards offsite affordable housing, neither of which were being proposed by the Applicant.

Note: Members supported the design of the proposed development.

Sidmouth Sidford - Cllr S Hughes

Whilst in principle I support this application which ticks all the boxes laid down by the County Council when disposing of the former Green Close site, I do have some concerns over the increased vehicle movements on South Lawn and the access and egress from the on site parking and also the busy A375.

There is land available for improving the access to South Lawn and this would certainly be welcomed by local residents.

If the application is to be approved then I should also like to see a 106 contribution towards providing a pedestrian crossing phase at the Sidford Cross junction to improve the quality of life and safety of those crossing the busy A3052

Technical Consultations

Housing Strategy Officer

The applicants are not proposing to provide any affordable housing citing viability grounds, which is very disappointing. The Council's Development Enabling and Monitoring Officer will be reviewing the viability evidence submitted and will make her recommendation.

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

Should it be found that the development could support affordable housing strategy 34 of the new Local Plan should apply, namely 50% (18 units) affordable housing should be provided on site.

Vacant building credit

Amendments to the National Planning Practice Guidance (NPPG) on planning obligations have introduced changes to the way that affordable housing can be sought from development. Guidance states that where there is an overall increase in floorspace in the proposed development, the local planning authority should calculate the amount of affordable housing contributions required from the development as set out in their Local Plan. A 'credit' should then be applied which is the equivalent of the gross floorspace of any relevant vacant buildings being brought back into use or demolished as part of the scheme and deducted from the overall affordable housing contribution calculation. This will apply in calculating either the number of affordable housing units to be provided within the development or where an equivalent financial contribution is being provided. The existing floorspace of a vacant building should be credited against the floorspace of the new development.

Applying vacant building credit to the scheme reduces the amount of affordable housing from 18 units to 7.92 units.

A tenure mix of 70/30% in favour of rented accommodation, the remaining as shared ownership or similar affordable housing product as defined in the National Planning Policy Framework document or relevant policy at the time will be sought. Once completed the affordable homes should be transferred to and managed by a

preferred Registered Provider. All affordable homes should be constructed to Building Regulations M4(2) or the relevant standards at the time of determination. A nomination agreement should be in place that enables the Local Authority or a preferred Register Provider to nominate individuals from the Common Housing Register, preference going to those with a local connection to Sidmouth, then cascading to East Devon.

Our preference is for the affordable housing to be provided on-site with a commuted sum for the 0.92 of a dwelling. The applicants are stating that this would not be possible due to the proposed development comprising one large block and the service charge requirements associated with retirement living would make it costly for a registered provider. We would have hoped that at the design stage this could have been factored in and a separate building designed. However if there is a planning reason why this is not possible a commuted sum payment would have been sought.

EDDC Trees

No objection to the proposed scheme subject to a condition requiring submission and implementation of AMS and TPP based on build drawings, and which also makes provision for site monitoring. In addition any approval should be subject to detailed landscape planting scheme which provides for replacement tree planting for those lost to facilitate the proposed scheme.

Environmental Health

I have considered the application and recommend the following conditions:

For the construction phase:

A Construction and Environment Management Plan must be submitted and approved by the Local Planning Authority prior to any works commencing on site, and shall be implemented and remain in place throughout the development. The CEMP shall include at least the following matters: Air Quality, Dust, Water Quality, Lighting, Noise and Vibration, Pollution Prevention and Control, and Monitoring Arrangements. Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site. There shall be no high frequency audible reversing alarms used on the site.

Reason: To protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution.

For the operational phase:

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 Service 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.

South West Water

I refer to the above application and whilst there are no objection in principle the point of connection to the public foul sewer will need to be agreed.

The drainage report indicates the site currently makes use of a private 4"/100mm sewer which may or may not be considered adequate by your Building Control Department for the increased demand.

This current private drainage no doubt connects to a previously private but now public sewer serving the properties in South Lawn to the east and if this now public sewer is also only a 4"/100mm sewer (we have no record of it) this will not have sufficient capacity to accept the foul flows from the redevelopment.

County Highway Authority

A representative from the highway authority has visited the application site, and all representations received by the planning authority at the time of writing this response have been noted.

The application has been supported with a Transport Statement with which the highway authority is generally in agreement, but there are two specific issues that are worthy of specific mention in this response.

Firstly no reference appears to be made to the footpath link from South Lawn to the footpath behind the Spar, which provides a preferable link from the site to the Spar and other facilities in Sidford itself. This route is more likely to be the route of choice for residents from the applications site visiting the facilities in Sidford village.

Also, the analysis of the trip generation of the proposed development compared to the existing seems to imply that there will be a reduction in trip generation potential, when the figures indicate a small increase. The highway authority accept that a small increase, as outlined in the Transport Statement, can be adequately accommodated in the existing highway network, notwithstanding the constraints of South Lawn's junction with the A375, which is lightly substandard with respect to geometry, but acceptable with respect to visibility.

The number of parking spaces proposed to serve a new development is a matter for the planning authority to consider. Having said that, from experience of dealing with similar applications, a parking provision of 0.5 per unit is not unusual and will accommodate adequately the car ownership from such a development as this. Residents of this type of development in this sort of location review their need to actually own a car and frequently choose not to. Suitable conditions are recommended to be imposed on any planning permission granted.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, HAS NO OBJECTIONS TO THE PROPOSAL AND RECOMMENDS THAT THE FOLLOWING CONDITIONS BE IMPOSED ON ANY PLANNING PERMISSION GRANTED:

1. 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.

2. The existing access from the site to Drakes Avenue shall be effectively and permanently closed to vehicles in accordance with details which shall previously have been submitted to and approved by the Local Planning Authority as soon as the new access and parking area is capable of use
REASON: To minimise the number of accesses on to the public highway.

Enabling And Monitoring Officer

The applicant has provided a detailed open book viability assessment which seeks to demonstrate that there are viability issues affecting this site. The methodology used seeks to establish an Alternative Use Value (AUV) for the site, which recognises the likelihood that permission for residential development could be achieved. Despite some concerns around the methodology and Residual Land Value (RLV) used, the resulting AUV seems reasonable when considered against recent market engagement, and the comparative sites which, in the absence of other easily available information, do serve to give an indication that the AUV arrived at may be at about the right level.

There are various issues and concerns in relation to both the methodology and some of the assumptions and values used in the RLV for the proposed scheme. However, as there would, in any case, be a policy requirement for overage to be applied, the Section 106 agreement will need to set out the requirement for a viability appraisal of the completed scheme, and how the assessment of any overage payment will be undertaken. This offers a mechanism to address the concerns about the viability appraisal and ensure the parameters against which the new appraisal will be considered are agreed in advance. The revised appraisal can then be informed by actual costs and values.

The report currently concludes that £41,208 is all that is left to pay towards for affordable housing, and this amount should be secured for such purposes.

Other Representations

Six representations have been received, only one of which is expressed as an objection to the scheme. The remaining five representations set out a number of both positive and negative observations but have not been registered, through online submission, as either objections to the proposed development or expressions of support.

Summary of Objections

- Exacerbation of existing parking problems in the area through under provision of visitor parking within the proposals.
- Heavy machinery during the demolition and rebuilding of the site will impact upon the roads around the site.

- Noise pollution that will have an impact on day to day living.

Summary of Observations

- Concerned that development is accompanied by provision of a pedestrian light phase at Sidford Cross junction to the benefit of elderly occupants which is a key safety requirement in the area for pedestrians to safely access local facilities to avoid becoming isolated from them.
- Question the need for more elderly persons accommodation and consider land would be better used for affordable housing.
- Inadequate provision of parking for residents, visitors and carers who would park in the nearby streets.
- Condition of permission should require that all contractors' vehicles must be parked on site.
- Overgrown hedge and trees should be lowered and a fence constructed so that light to neighbouring property can be improved and greater garden area returned.
- Improvement for the village.
- Developer contributions could be used to widen the junction at South Lawn to make access safer and easier.
- Pavement that runs along Sidford Road to the crossroads is very narrow.
- Unable to locate the 'construction phase plan'.
- Concerns about the entrance to the development being on South Lawn when access from Drakes Avenue would be a better option.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

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)

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)

NPPF (National Planning Policy Framework 2012)

ANALYSIS

Relevant Planning History

There is no previous history relating to the site that is material to consideration of the current application proposal to which this report relates.

Site Location and Description

The site comprises the former Green Close residential care home premises and its grounds, amounting to around 0.38 hectares in area, located on the eastern side of Sidford Road (the A375) within the built-up area of Sidmouth. Although located within close proximity of services and facilities at Sidford, the immediate surrounding area is entirely residential in character.

Formerly operated by Devon County Council as a 23 bedroom community rehabilitation unit, the building and site have been vacant since October 2014.

The site occupies a sloping site with a fall from east to west. The floor levels of the main building, which is predominantly two storey in height with attached single storey elements on its northern side, mainly sit below that of Sidford Road and South Lawn, that border the site to the west and north respectively, but above that of Drakes Avenue, which runs alongside the site to the south. It has largely open frontages onto all three roads (with the exception of a length of brick retaining wall along part of the Sidford Road boundary immediately adjacent to a bus stop) but is bound to the east by residential properties in both Drakes Avenue and South Lawn as well as a residents car parking area that is accessed from the latter. This boundary itself is however defined by an established hedge.

The building is loosely laid out around three sides of a parking area with a gated entrance that is accessed from South Lawn. A second parking area that mostly occupies the north eastern corner of the site is accessed from South Lawn at a point approximately 25 metres east of its junction with Sidford Road. There are entrances to the building directly from both of these.

A number of deciduous semi-mature trees occupy the grassed landscaped areas around the Sidford Road and South Lawn-facing elevations of the building. In addition, a Horse Chestnut tree is positioned close to the north eastern corner of the site adjacent to the vehicular access from South Lawn and the parking area that it serves.

The nearest part of the boundary of the designated Sidford Conservation Area is around 60 metres to the north of the site. There are otherwise no designations or other material constraints that apply to either the site or the surrounding area.

Proposed Development

The application scheme involves the demolition of the building and the redevelopment of the site to provide 36 sheltered apartments for occupation by elderly persons alongside the provision of integral communal facilities in the form of a lodge manager's office, residents/guests lobby, lift, guest suite for relatives of apartment owners who wish to stay overnight, toilet and, externally, a bin store, car parking area and a landscaped garden.

The proposals also incorporate the laying out of 23 parking spaces and a service bay that would be accessed from South Lawn through the retention of the present vehicular access. The majority of the existing trees around the present building would be retained and supplemented by further planting. However, six trees across the site are proposed to be felled.

The proposed accommodation would be housed within an essentially L-shaped building of variously single, two and two and a half storey height. Indeed, the topography of the site facilitates a split level design with external ground level at the rear of the building effectively a whole storey lower than at the front where it runs parallel to Sidford Road. However, it would appear mainly as a two storey building, with some accommodation within the roof space, incorporating a series of stepped roof ridge and eaves lines that reflect the gradients of both Sidford Road and Drakes Avenue that fall to the north and east respectively.

In terms of scale and massing the building would exhibit eaves levels largely equivalent to those of the existing building with slightly steeper roof pitches resulting in higher maximum ridge levels by between, variously, 1 and 1.5 metres when compared against the appropriate corresponding ridge levels of each part of the present building.

The design approach is described as 'contemporary with a modern interpretation of details commonly used in the vicinity'. To this end it would feature elements including the use of red brick with yellow brick detailing to window and door openings and two storey brickwork bays, mainly to the 'outward' facing Sidford Road and Drakes Avenue elevations, which reflect the form, external appearance and rhythm of the terrace of older properties along the northern side of South Lawn. The remaining parts of the development, including further two storey bays, that feature mainly on corner at the Sidford Road/Drakes Avenue junction and at the two ends of the building would incorporate ivory painted brick with red brick detailing.

The predominance of gabled forms throughout the building is also designed to reflect that of many of the semi-detached pairs of dwellings that strongly characterise Drakes Avenue, Fleming and Lockyer Avenues and the lower part of South Lawn in close proximity of the site.

Windows and doors would mainly be of grey PVCu construction and set within reveals, the former comprising casements. Some larger doors to utility rooms would be formed in stained timber. The South Lawn elevation is to feature a series of flat-roofed dormers serving second floor level accommodation within the roof space, the cheeks and roofs of which be pre-fabricated units. Balconies, consisting of black

painted metal balustrades, would also feature on the South Lawn and east-facing elevations.

The roof finishes are to consist of plain concrete tiles, shown on the submitted elevation drawings in two colours, namely red and grey. However, exact details/samples of these and the proposed external wall finishes can be reserved for later approval.

The proposed driveway serving the parking area would be laid in tarmac with individual bays set out in block paving. Footpaths and patios are to be surfaced with concrete paving slabs.

The detail of soft landscaping of the site and boundary treatments would be the subject of a condition in the event that permission is granted. However, it is envisaged that the landscaping scheme could include informal grassed areas, lawns with hedges, shrubs, flowers and specimen planting together with new and replacement tree planting. In addition, it is intended that the current mainly open plan layout would be substituted for low brick walls and black painted railings along the South Lawn and Sidford Road boundaries to provide security whilst allowing for the retention of views into the site. However, the present soft landscaped banks that define the Drakes Avenue boundary would be retained as natural barriers between private and public land and the boundary itself kept open to reflect the open plan character of the adjacent street scene.

The scheme does not include any on site affordable housing provision.

A number of revisions to elements of the proposed design have been negotiated through the course of the application. At the time of writing the report, consultation responses from the town council and ward members and further third party representations in respect of these are awaited.

Considerations/Assessment

The proposal is required to be considered having regard to the following material issues that are discussed in turn:

Principle of Development

The fundamental principle of the scheme is inextricably linked to issues relating to the loss of the present former care home premises and affordable housing provision that are discussed separately later on in this report. As such, at this point it is not possible to set out any firm conclusion on this point.

However, it is acknowledged that the site occupies a sustainable location for new housing within the built-up area of Sidmouth and is close, and/or accessible, to the range of services and facilities that both the town itself and Sidford provide, including regular public transport services to the town, other parts of East Devon and Exeter. Furthermore, it is located in a predominantly residential area within which the provision of additional accommodation would not be out of character in broader land use terms.

Design and Impact upon Character and Appearance of Area

It is considered that the scheme would realise an opportunity to redevelop the site in a manner that would be largely sensitive to its built context whilst representing an improvement upon the rather utilitarian, bland and institutional character and appearance of the existing building that it would replace.

The present building exhibits a rather long and low appearance upon view from Sidford Road with no physical or visual breaks in either the ridge line of the roof or the elevation to the street to offer relief. By contrast, it is thought that the proposed design of the application scheme shows greater articulation and visual interest in the form of the depth created by the proposed two storey bay elements, the variation/stepping in roof ridge heights and finishes and the contrasting brick detailing around window and door openings.

It is also considered that this extends to the treatment of the remaining elevations. In particular, the double step in the ridge level exhibited on the Drakes Avenue elevation appropriately reflects the gradient of the road itself.

Although to all intents and purposes of greater height than the existing building throughout, it is not considered that this would result in a development that would appear unduly dominant within the site in a manner that would be physically or visually disproportionate in the context of the surrounding townscape or which would fail to retain some separation and spatial relief from surrounding dwellings. The manner in which the present building sits quite low within the site is such that it is accepted that there is the potential to develop a building of greater height without any material harm to the area's character or appearance or the living conditions of the occupiers of neighbouring properties.

The layout, position and orientation of the building within the site are also thought to respond more sympathetically to the need to create a development that is outward looking and positively addresses the street scenes of Sidford Road, Drakes Avenue and South Lawn. The present building does not achieve this in relation to either Drakes Avenue or South Lawn and is indeed quite weak in relation to both. By contrast, the broadly L-shaped footprint of the development is considered to result in a building that not only strongly addresses the public domain but is set back sufficiently from the less publicly prominent and more private gardens of residential properties in Drakes Avenue and South Lawn to the east so as to avoid having unduly physically overbearing or dominating impact upon them or causing overlooking and loss of privacy.

The proposal also enables the retention of the attractive landscaped setting of the current building, and many of the trees that contribute towards it, to the benefit of the character and appearance of the area more widely. Furthermore, with the proposed parking area being located to the east of the building, this represents an extension of the present arrangements. It is anticipated however that appropriate surface treatment and planting would improve the appearance of this part of the site when compared with the existing.

Overall it is considered that the form, scale, appearance and footprint of the development would be largely sympathetic to, and would not detract from, the

character or appearance of the street scene or wider area or result in an overdevelopment of the site on account of its site coverage or its height, bulk and massing.

Impact upon Neighbour Amenity

As alluded to in the previous section of the report, it is considered that the separation created by the existing highways that bound three sides of the site would assist in ensuring that the development would create no significant problems in terms of overlooking/loss of privacy of/to nearby residents. Furthermore, the level of physical separation between the proposed building and neighbouring properties to the east of the site would help to reduce the extent of any similar impact upon the living conditions of the occupiers.

Although the increased physical scale, bulk and massing of the development relative to that of the existing building is duly acknowledged, this would be offset by the distance that it would be set back from the site boundary with these properties and it is not thought that the level of impact rising from the scheme would be materially harmful to the amenities or privacy of occupiers that objection on these grounds could reasonably be supported.

Impact upon Trees

The application is accompanied by an arboricultural impact assessment, tree protection plan and method statement. The principal conclusions of these are that there are no Category A (according to B.S. 5837:2012) trees on the site and the scheme would allow for the retention of all but one Category B specimen with the remaining trees to be felled all within Category C and of low retention value.

The trees of particular importance to the character and appearance of the site, namely most of the group around the south western corner of the development adjacent to the junction of Drakes Avenue with Sidford Road, would be retained along with the Horse Chestnut within the north eastern corner adjacent to the existing and proposed vehicular access to the site off South Lawn. These would be afforded protection through the construction phase through the use of tree protection fencing and the undertaking of appropriate ground protection measures.

The single Category B tree, a Silver Birch, that would be felled is positioned adjacent to the eastern boundary of the site and set back by around 30 metres from Drakes Avenue and 45 metres from South Lawn. In spite of its identified future potential, its contribution towards the amenity of the site and surrounding area is therefore limited.

Additionally, as already stated, the development offers an opportunity to secure landscaping proposals, including the carrying out of replacement tree planting for those that are proposed for felling, that it is to be hoped would enhance the overall amenity of the site.

Highways/Access

The application is supported by a transport statement which mainly concludes that: the development would be in an accessible location in relation to bus stops, local shops and other services; it would generate a slight increase in trip generation potential, and the level of car parking provision proposed would equate to one space

per 0.64 units which is considered to be entirely appropriate given the sustainable location of the site and the likely car ownership levels of the prospective elderly occupiers of the development.

The County Highway Authority (CHA) is generally in agreement with these findings. There is an acceptance also that a small increase in traffic movements can be adequately accommodated in the existing highway network. Notwithstanding the substandard geometry of the junction of South Lawn with Sidford Road, it is otherwise satisfactory with regard to the level of visibility from and of vehicles emerging from it.

The CHA also suggest that the level of on site parking provision proposed, amounting to over 0.5 spaces per unit, would satisfactorily accommodate the expected car ownership that would be generated from a development of the type proposed since prospective residents, predominantly aged 70 plus, frequently choose not to own a car. In the event of approval therefore, conditions are recommended to secure the provision of the parking and turning facilities shown on the application drawings, and maintenance and retention thereafter. In addition it is also considered appropriate to require the closure of the present vehicular access off Drakes Avenue once the 'new' access and parking area becomes operational in accordance with details to be submitted for approval.

The request from the ward member for a financial contribution to be secured from the development, through a Section106 agreement, towards securing a pedestrian crossing at the junction of the A3052 with the A375 at the staggered crossroads at Sidford Cross to the north of the site is acknowledged. However, there is no programmed scheme for providing such a facility at present and, in any event, it is not considered that it would be reasonable to seek to secure a contribution from this development. It is noted that there are already pedestrian links between the site and many of the facilities at Sidford via Sidford Road and Church Street as well as via South Lawn and the public car park to the north which are sufficient to meet the needs of the development.

Ecology

The submission also includes a preliminary ecological appraisal report, based upon an extended Phase 1 habitat survey and desktop study, and a further Phase 2 bat survey of the principal former care home building. The latter has been submitted in the light of identification within the former that it has medium potential for supporting roosting bats owing to the presence of missing and lifted hanging wall tiles and damaged soffit boxes and bargeboards.

The former concludes that the site is of low ecological value with the only features of relatively greater ecological interest being the native species trees.

The bat survey, consisting of one dusk emergence and two dawn re-entry surveys, recorded two common pipistrelle bats re-entering the building during one of the latter surveys. The proposed demolition of the building therefore has the potential to result in long-term loss of bat roosts.

The survey also recorded low levels of pipistrelle and soprano pipistrelle bat utilising the site for foraging.

As there is a confirmed bat roost present within the building, a protected species licence will be required prior to commencement of works. Mitigation proposals would be expected to recognise the following:

- the appropriate timing of demolition works to minimise the impact on roosting locations following external inspection,
- the provision of two bat boxes on the Horse Chestnut trees within the south western and north eastern corners of the site to provide replacement roosting opportunities,
- careful removal of all identified bat roost areas and suitable roosting features by or under the supervision of a licensed bat worker and
- the installation of two modified roof tiles and two wall mounted bay shelters to provide roosting opportunities for crevice dwelling species.

It is further recognised that mitigation measures should include implementation of a sensitive lighting scheme in order to minimise potential impacts on foraging and commuting bats.

The report also recommends that mitigation measures for breeding birds (house sparrows and starlings) that have been identified as having nests within damaged soffit boxes on the existing building be incorporated within the development. These would comprise substitute nesting provisions in the form of a nest box on the Horse Chestnut tree at the north eastern corner of the site and a pair of sparrow terraces on the east elevation of the proposed building.

Drainage

The proposals envisage a mains connection for the discharge of foul drainage from the development. However, as will be evident from South West Water's consultation response, there is some concern regarding the capacity of the public sewer to serve it. While there is a need therefore to establish and agree the point of connection to it, this does not in this instance prevent the approval of the application.

Indicative proposals for surface water drainage disposal show the installation of an attenuation tank to control and regulate discharge rates to the existing public surface water sewer during storms up to and including the 1 in 100 year plus climate change event. This would be in the event that percolation testing shows that it is not possible to use an infiltration drainage system as a means of surface water runoff disposal.

A condition is therefore recommended to secure details as to the means of disposal of both foul and surface water drainage.

Loss of Existing Building and Affordable Housing

Strategy 32 (Resisting Loss of Employment, Retail and Community Sites and Buildings) of the adopted Local Plan seeks to resist the loss of (among others) employment uses and presumes against the change of use of current or allocated employment land and premises harm business and employment opportunities in the area unless certain criteria are satisfied.

However, it stipulates that employment uses to which the provisions of the strategy apply include those falling within Class B of the Town and Country Planning (Use Classes) Order (the Order) or similar uses classified under planning legislation as 'sui generis' uses. The former residential care home use to which the application premises were put falls within the range of uses within Class C2 (Residential Institutions) of the Order and, as such, does not constitute an employment use that should be applied against the provisions of the strategy.

In the circumstances therefore, it is considered that little weight can be given to the loss of employment opportunities arising as a result of the proposed development that either an alternative employment/commercial use of the building and/or redevelopment of the site could provide.

Strategy 34 (District Wide Affordable Housing Provision Targets) requires, in this case, on site provision of affordable housing at a rate of 50%. It also states that 'affordable housing shall be provided on site unless it is exempted through Government Policy or Guidance, is not mathematically possible or where off site provision of equivalent value is justified by circumstances such as no registered provider being willing to manage the new affordable units or other planning reasons. In such cases a payment towards an off site contribution will be required in lieu of on site provision.'

The submission is accompanied by a viability report, the principal conclusions of which in relation to the absence of any proposed on site provision are that the site is incapable of meeting criteria that would enable it to be partitioned into two self contained developments. It considers that each parcel under separate ownership and management would require its own access parking and amenity space, whilst still being capable of containing an adequate number of apartments to satisfy the requirements for successful and sustainable stand alone development comprising an open market sheltered housing scheme for the elderly and an element of compatible affordable housing. Partitioning of the site in the manner described above would reduce overall site density and be likely to result in increased service charges to occupiers, prejudice the viability of the development of the site for sheltered housing and fail to make the most efficient use of a site located within a sustainable location.

In terms of accommodating elderly persons' sheltered housing and affordable housing within the same building, is not considered to be practical or appropriate. Even mixing affordable sheltered housing is thought likely to be problematic in view of the implications for the management of communal facilities and ongoing management and service costs.

Whilst it is considered that there are gaps in the case put forward against the provision of an element of affordable housing on site, it is thought on balance in this case that it would be impractical, and therefore unreasonable, to require it.

As stated above, notwithstanding the issues as to where and how an element of affordable housing should be accommodated on the application site, in any event there is no offer of direct provision. Equally, the offer of an off site financial contribution in lieu amounts to £41,208 which is substantially less than would ordinarily be sought.

However, the agents have provided a detailed open book viability assessment which seeks to demonstrate that there are viability issues affecting this site. The methodology used seeks to establish an Alternative Use Value (AUV) for the site which recognises the likelihood that permission for residential development could be achieved. Despite some concerns around the methodology and Residual Land Valuation (RLV) used, the resulting Alternative Use Value (AUV) is considered reasonable when assessed against recent market engagement and the comparative sites which, in the absence of other easily available information, do serve to give an indication that the AUV arrived at is likely to be at the right level.

There are various issues and concerns in relation to both the methodology and some of the assumptions and values used in the RLV for the proposed scheme. However, as there would in any case be a policy requirement for overage to be applied, any Section 106 agreement would need to set out the requirement for a viability appraisal of the completed scheme and how the assessment of any overage payment will be undertaken. This offers a mechanism to address the concerns about the viability appraisal and ensures that the parameters against which the new appraisal would be considered are agreed in advance. The revised appraisal would then be informed by actual costs and values.

The report currently concludes that when allowing for an appropriate developer profit £41,208 is currently all that is available to pay towards affordable housing and this amount should be secured through a legal agreement for such purposes.

RECOMMENDATION

APPROVE subject to the completion of a S106 agreement to secure the payment of a financial contribution of £41,208 towards affordable housing, with the inclusion of overage clauses, and the following planning 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. Before development is commenced, 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 considered at an early stage and are sympathetic to the character and appearance of the area in accordance with

Policy D1 - Design and Local Distinctiveness of the adopted East Devon Local Plan 2013-2031.)

4. No part of the development hereby approved shall be brought into its intended use until the parking facilities and turning area have been provided in accordance with the details shown on the approved plans. These shall thereafter be maintained and retained for these purposes at all times.
(Reason - To ensure that adequate facilities are available for the traffic attracted to the site in accordance with Policies TC7 - Adequacy of Road Network and Site Access and TC9 - Parking Provision in New Development of the adopted East Devon Local Plan 2013-2031.)
5. Prior to the parking area shown on the approved drawings first being brought into use, the existing vehicular access to the site from Drakes Avenue shall be effectively and permanently closed to vehicles in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority.
(Reason - To minimise the number of accesses on to the public highway in the interests of highway safety in accordance with Policy TC7 - Adequacy of Road Network and Site Access of the adopted East Devon Local Plan 2013-2031.)
6. No development shall take place until a detailed scheme of hard and soft landscaping of the site has been submitted to and approved in writing by the Local Planning Authority; such a scheme to include the planting of trees, hedges, shrubs, herbaceous plants and areas to be grassed and hard surfaced. The scheme shall also give details of any proposed walls, fences and other boundary treatment. The landscaping scheme shall be carried out in the first planting season after commencement of the development, unless 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 ensure that the details are planned and considered at an early stage in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D2 - Landscape Requirements of the Adopted East Devon Local Plan 2013-2031.)
7. No development shall take place until details of the means of disposing of foul drainage and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details before any of the approved apartments within the approved development is first occupied.
(Reason - To avoid pollution of the environment and/or flooding during and after development in accordance with the requirements of Policy EN14 - Control of Pollution of the Adopted East Devon Local Plan 2013-2031. The details are required pre-commencement as these works to provide the drainage will commence at an early stage of the development process.)

8. A Construction and Environment Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site and shall be implemented and remain in place throughout the development. The CEMP shall include at least the following matters: Air Quality, Dust, Water Quality, Lighting, Noise and Vibration, Pollution Prevention and Control, and Monitoring Arrangements. Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site. There shall be no high frequency audible reversing alarms used on the site.
(Reason - To ensure that the details are agreed before the start of works 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 Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the adopted East Devon Local Plan 2013 - 2031.)

9. Details of a scheme to limit the noise resulting from the development hereby permitted and to ensure that the noise generated at the boundary of the nearest neighbouring land or 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 Service Engineers Environmental Design Guide, shall be submitted to and agreed in writing by the Local Planning Authority prior to the first use of any plant and equipment (including ventilation, refrigeration and air conditioning units) or ducting system.

The agreed scheme shall be fully operational at all times during the use of the associated plant and equipment but in any event, any plant (including ventilation, refrigeration and air conditioning units) or ducting system used in conjunction with the development hereby permitted shall be so installed and be so retained and operated that the noise generated at the boundary of the nearest neighbouring property meets the above requirements.

(Reason - To ensure that any plant or equipment does not impact on the amenities of local residents in accordance with Policies EN14 (Control of Pollution) and D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan 2013-2031.)

10. The development hereby permitted shall be carried out in all respects in accordance with the recommendations for mitigation measures for bats and breeding birds contained within the Phase 2 Bat Assessment report dated June 2016 and the recommendations contained within the Preliminary Ecological Appraisal prepared by Ecological Survey and Assessment Ltd.
(Reason - In the interests of nature conservation in accordance with Policy EN5 - Wildlife Habitats and Features of the adopted East Devon Local Plan 2013 - 2031.)

11. No development shall commence until full details of a arboricultural method statement (AMS) and tree protection plan (TPP) for the protection of all retained trees, hedges and shrubs based upon build drawings has been submitted to and approved in writing by the Local Planning Authority. The TPP and AMS shall adhere to the principles embodied in BS 5837:2012 and shall indicate

exactly how and when the trees will be protected during the development process. All approved protection measures shall be implemented prior to the commencement of development in accordance with the approved details.

Provision shall be made for the supervision of the tree protection by a suitably qualified and experienced arboriculturalist and details shall be included within the AMS.

The AMS shall provide for the keeping of a monitoring log to record site visits and inspections along with: the reasons for such visits; the findings of the inspection and any necessary actions; all variations or departures from the approved details and any resultant remedial action or mitigation measures. On completion of the development, the completed site monitoring log shall be signed off by the supervising arboriculturalist and submitted to the Planning Authority for approval and final discharge of the condition.

(Reason - To ensure the continued well being of retained trees in the interests of the amenity of the locality in accordance with Policies D1 (Design and Local Distinctiveness) and D3 (Trees and Development Sites) of the adopted East Devon Local Plan 2013 - 2031. The details are required pre-commencement as trees will need to be protected from machinery and works as soon as the development commences.)

12. No part of the development hereby permitted shall be brought into use until a detailed scheme for the external lighting of the building and/or site have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

(Reason - In the interests of the character and appearance of the development and to mitigate the potential impact of lighting upon bats in accordance with Policies D1 (Design and Local Distinctiveness) and EN5 (Wildlife and Habitats) of the adopted East Devon Local Plan 2013 - 2031).

NOTE FOR APPLICANT

Informative:

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

Informative re. Section 106 agreement.

Plans relating to this application:

PA01 REV A	Proposed Site Plan	06.10.16
10084SF-PA00	Location Plan	20.04.16
PA02 REV A	Proposed Floor Plans	27.09.16

PA03 REV A	Proposed Floor Plans		27.09.16
PA04 REV A	Proposed Floor Plans		27.09.16
PA05 REV A	Proposed roof plans		27.09.16
PA06 REV A	Proposed Elevation		27.09.16
PA07 REV A	Proposed Elevation		27.09.16
PA08 REV B	Proposed Plans	Combined	27.09.16
PA09 REV A	Proposed Plans	Combined	27.09.16

List of Background Papers

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